











# PROPOSED DEPARTMENT OF PUBLIC HEALTH

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## HEARINGS

BEFORE THE

U.S. Congress. Senate.

COMMITTEE ON PUBLIC HEALTH  
AND NATIONAL QUARANTINE

UNITED STATES SENATE

ON THE BILL

S. 6049

TO ESTABLISH A DEPARTMENT OF HEALTH  
AND FOR OTHER PURPOSES

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#### MEMBERS OF THE COMMITTEE.

Thomas S. Martin, of Virginia,  
*Chairman.*

Samuel D. McEnery, of Louisiana.

Charles A. Culberson, of Texas.

Duncan U. Fletcher, of Florida.

Chauncey M. Depew, of New York.

Henry A. du Pont, of Delaware.

Jonathan Bourne, jr., of Oregon.

Reed Smoot, of Utah.

Joseph L. Bristow, of Kansas.

Coe I. Crawford, of South Dakota.

Leslie H. Martin, *Clerk.*



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NO. 1

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APRIL 29, 1910

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ROOM 414, SENATE OFFICE BUILDING  
WASHINGTON, D. C.





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FRIDAY, APRIL 29, 1910.

COMMITTEE ON PUBLIC HEALTH  
AND NATIONAL QUARANTINE,  
UNITED STATES SENATE,  
Washington, D. C., April 29, 1910.

The committee met at 10.30 o'clock a. m.

Present: Senators Martin (chairman), McEnery, Bourne, Smoot, Bristow, and Crawford.

The committee met for the consideration of the following bill:

[S. 6049, Sixty-first Congress, second session.]

A BILL Establishing a Department of Public Health, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby established a Department of Public Health under the supervision of the Secretary of Public Health, who shall be appointed by the President a Cabinet officer, by and with the consent of the Senate, at a salary of twelve thousand dollars per annum, with like tenure of office of other Cabinet officers.

SEC. 2. That all departments and bureaus belonging to any department, excepting the Department of War and the Department of the Navy, affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto, shall be combined in one department, to be known as the Department of Public Health, particularly including therein the Bureau of Public Health and Marine-Hospital Service, the medical officers of the Revenue-Cutter Service, the medical referee, the assistant medical referee, the surgeons and examiners of the Pension Office; all physicians and medical officers in the service of the Indian Bureau, or the Department of the Interior, at old soldiers' homes, at the Government Hospital for the Insane, and the Freedman's Hospital and other hospitals of the United States; the Bureau of Entomology, the Bureau of Chemistry and of Animal Industry of the Department of Agriculture; the hospitals of the Immigration Bureau of the Department of Commerce and Labor; the emergency relief in the Government Printing Office, and every other agency of the United States for the protection of the health of the people of the United States, or of animal life, be, and are hereby, transferred to the Department of Public Health, which shall hereafter exercise exclusive jurisdiction and supervision thereof.

SEC. 3. That the official records, papers, furniture, fixtures, and all matters, all property of any kind or description pertaining to the business of any such bureau, office, department, or branch of the public service is hereby transferred to the Department of Public Health.

SEC. 4. That the Secretary of Public Health shall have supervision over the Department of Public Health, and shall be assisted by an Assistant Secretary of Public Health, to be appointed by the President, by and with the advice and consent of the Senate, at a salary of six thousand dollars a year, with such duties as shall be prescribed by the Secretary not inconsistent with law.

SEC. 5. That the Secretary of Public Health shall be authorized to appoint such subordinates as may be found necessary. There shall be a chief clerk

appointed at a salary not to exceed three thousand dollars a year, and such other clerks as may from time to time be authorized by Congress.

SEC. 6. That the officers and employees of the public service transferred to the Department of Public Health shall, subject to further action by Congress, receive the salaries and allowances now provided by law.

SEC. 7. That it shall be the duty and province of such Department of Public Health to supervise all matters within the control of the Federal Government relating to the public health and to diseases of animal life.

SEC. 8. That it shall gather data concerning such matters, impose and enforce quarantine regulations; establish chemical, biological, and other standards necessary to the efficient administration of said department, and give due publicity to the same.

SEC. 9. That the Secretary of Public Health shall establish a Bureau of Biology, a Bureau of Chemistry, a Bureau of Veterinary Service, a Bureau of Sanitary Engineering, reporting such proposed organizations to Congress for suitable legislation relative thereto.

SEC. 10. That all unexpended appropriations and appropriations made for the ensuing year shall be available on and after July first, nineteen hundred and ten, for the Department of Public Health, where such appropriations have been made to be used by any branch of the public service transferred by this act to the Department of Public Health. It shall be the duty of the Secretary of Public Health to provide, on proper requisition, any medical, sanitary, or other service needed of his department required in another department of the Government.

SEC. 11. That any other department requiring medical, surgical, sanitary, or other similar service shall apply to the Secretary of Public Health therefor wherever it is practicable.

SEC. 12. That all officers or employees of the Government transferred by this act to the Department of Public Health will continue to discharge their present duties under the present organization until July first, nineteen hundred and ten, and after that time until otherwise directed by the Secretary of Public Health or under the operation of law.

SEC. 13. That all laws or parts of laws in conflict with this act are hereby repealed.

The CHAIRMAN. The committee will come to order. The committee was informed that the boards of health of the several States were holding a session in Washington and desired to be heard by this committee in relation to several bills which are pending in the Senate in relation to the public health, chief among which bills being the bill introduced by Senator Owen, of Oklahoma.

The committee is ready to hear such members of this organization, and such other medical men as may be present and desire to be heard, in such order as may be designated. If a list is furnished, they will be called in the order that may be desired. I will say that the committee will be able to give only until 12 o'clock to-day to this hearing. The Senate meets at 12 o'clock, and the members of the committee will have to be in attendance at the meeting of the Senate at that hour. The committee will be glad to-day to devote the time between this hour and 12 o'clock to this hearing. I understand that Doctor Porter, the president of this organization, is present, and the committee will be glad to hear his views upon this subject.

#### STATEMENT OF JOSEPH Y. PORTER, PRESIDENT OF THE CONFERENCE OF STATE BOARDS OF HEALTH.

The CHAIRMAN. Doctor Porter, you may state your official position.

Doctor PORTER. I am state health officer of Florida and also president of the Conference of State Boards of Health and the state and providential boards of health now in session in this city.



Mr. Chairman, it has been the hope of the state health officers for a number of years that finally the representatives of this great Government might recognize the fact that we are deserving of a representative in the President's Cabinet, and that therefore a department of public health should be inaugurated by Congress. The reasons are many and will be set forth in detail later on by a gentleman who has been requested to present the views of the conference before you. While I approve of a department of public health, I do not think that the people of the country or the representatives of the state boards of health should be unmindful of the great work and the generous support that has been given them already by the Bureau of Public Health and the Marine-Hospital Service, which is recognized now as the health organization of the country, under the Treasury Department. It may be that if Congress will not see fit to organize a department of health that they will be generous enough to enlarge the duties and functions of the present bureau. Whatever Congress may see fit to do in the matter, I think the organization of state boards of health will be grateful for any assistance that they might give. With these preliminary remarks, Mr. Chairman, I would ask that the gentlemen chosen especially by the organization of state and providential boards of health to represent their views in detail may be heard.

Senator OWEN. Before you conclude, Did not the conference adopt a resolution with regard to this matter?

Doctor PORTER. Yes, sir.

Senator OWEN. I have a copy of the resolution in my hand, and I would like to have it go into the record.

The CHAIRMAN. It will be incorporated in the record.

(The resolution referred to is as follows:)

#### REPORT OF THE COMMITTEE ON A NATIONAL DEPARTMENT OF HEALTH.

In view of the very active interest in the subject of the public health that now obtains throughout our country, your committee is of the opinion that the time is ripe for the establishment of a national department of health, and we respectfully recommend the adoption of the following preamble and resolutions:

Whereas health is the chief asset of any people, constituting as it does, the foundation on which rests efficiency, prosperity, and happiness, and

Whereas in a dual form of government such as ours a central federal health department is necessary to the proper and efficient promotion of this great cause; therefore, be it

*Resolved*, That it is the sense of the National Conference of State and Providential Boards of Health of North America, the membership of which is composed chiefly of representatives of the state and territorial boards of health of the United States, in annual session assembled, that a national department of health, of equal dignity and power with the other departments of the Government, having at its head a secretary of public health with a seat in the Cabinet of the President, should be established without delay.

*Resolved*, That to this end we recommend the passage of Senate bill 6049 now pending, or essentially similar legislation.

*Resolved*, That a copy of these resolutions be sent to the President and to each Member of the Senate and of the House of Representatives.

The CHAIRMAN. Doctor Porter, we would like you to make some practical suggestions on this subject, if you have studied it and are prepared to make any.

Doctor PORTER. The bill which Senator Owen has prepared and introduced for a department of public health seems to me to cover the subject in its entirety; that is, if it is possible for us to obtain

a department of public health. That is a question I think the Senators and Representatives in Congress will have to decide, and the state boards of health are hardly called upon, I think, to inject their personality into this matter.

The CHAIRMAN. It is not a question of personality with me; it is a question of practical information. For instance, Senator Owen's bill speaks of bringing into this department—if one is created, or bureau, if a bureau instead of a department is created—the medical officers of the Revenue-Cutter Service. Do you think it is expedient to separate from the Revenue-Cutter Service those medical attendants any more than it is expedient to separate from the army and navy their medical service?

Doctor PORTER. I have never given that part of the subject any thought.

Senator OWEN. That is a matter, Mr. Chairman, if you will permit me to suggest it to you, which is of no importance. The officers are very few in number, and the framers of that bill will have no objections to having that taken out if there is any objection on the part of the committee.

The CHAIRMAN. I am not asking to have it taken out, but I was trying to elicit some information from medical men, and took that feature of the bill because it was the first. There are many other things which are, to my mind, of a similar character; but if we are to have another department we must know what to put into it, and what effect putting this service in it will have on the service from which they are taken. I was trying to get some practical information—I am not opposed to it at all; but I would like to obtain information in that regard from the medical men present and who have studied the matter, if they are prepared to give it.

Doctor PORTER. In creating a department of public health, Mr. Chairman, it occurs to me that the general provision for this department should be of an advisory character to the boards of health within their state lines. I do not understand that the department of public health is going to supercede the special work that state boards of health have already enjoined upon them by their own legislatures.

Senator SMOOT. You would not approve of the United States interfering, if that were the intention?

Doctor PORTER. No, sir; I would not. I do not approve of the Government of the United States interfering with the specific rights of the police sanitary powers of the States.

Senator SMOOT. That is right.

Doctor PORTER. I do not understand that that is the intention.

The CHAIRMAN. It is not, as I understand it. I do not think anybody contemplates anything of that sort.

Doctor PORTER. It is not the contemplation; and this matter of the officers of the Revenue-Cutter Service, and several other things in that bill, are matters of detail only, and can be arranged otherwise as Congress may see fit.

The CHAIRMAN. But Congress needs the knowledge of the expert people, and those details are what make the bill.

Doctor PORTER. I understood Senator Owen to say last night that the general principle of health supervision in this country, the conservation of the vital energy of the people, was to be embraced in a

department of public health which would give the health problem the same prominence and the same elevated position in the affairs of this country as other departments controlling the commercial and other interests, and the specific details or arrangement were not very material to him.

Senator OWEN. Mr. Chairman, may I be permitted for a moment to make a statement?

The CHAIRMAN. Certainly.

Senator OWEN. I wish to say that the only important point in this bill is the coordination of the principal health agencies of the Government; the detail of it is a matter that is immaterial. The only question of importance is—and the only question upon which I, personally, desire to have the evidence is—the desirability of a department with a seat in the Cabinet. I do not care anything about the details. If the committee determines on a department, then the details could be arranged, but the time is very short. We have only a limited number of minutes here this morning, and there are a large number of gentlemen who want to be heard, and who represent the insurance companies of the country and labor organizations of the country, who would like to put into the record the fact that they do cordially approve of this measure.

The CHAIRMAN. I am very willing, as far as I am concerned, to put their wishes about the matter on record; but I want to know the reasons and not the wishes of A, B, C, and D. I was in hopes that these gentlemen would be able to give us some information, and not simply an expression of their desire about it. I want some information on which to act, and I would be very glad now to hear whoever the president of the organization wishes to follow him.

#### STATEMENT OF CHARLES A. L. REED, OF CINCINNATI.

Mr. REED. Mr. Chairman, may I, without impropriety, make a few remarks?

The CHAIRMAN. Certainly.

Mr. REED. I would say that there are quite a number of people who came here under the understanding that this was to be a general hearing on this question, and that it was desired by the committee to get the viewpoint of people in various walks of life, who contemplate this question from their respective viewpoints, and who are prepared to give you just what you are asking for, namely, the reason for this legislation, and the programme has been arranged and a number of these gentlemen representing these divers interests are here present and ready to be heard. They have come from long distances, and desire, for instance, to take up the insurance phase of the question, and the labor phase of the question, and give the reasons from those various standpoints why this legislation should be enacted; also the economic phase of the question, the engineering and streams pollution phase of the question, the educational and hygienic phase of the question, the public-service phase of the question, the medical phase of the question. There are gentlemen here distinctly representing those phases and who are prepared to take them up.

The CHAIRMAN. The committee will be very glad to hear them now on any of those subjects.



# STATEMENT OF L. K. FRANKEL, REPRESENTING THE METROPOLITAN LIFE INSURANCE COMPANY.

MR. FRANKEL. Mr. Chairman and gentlemen of the committee, I am asked by the company which I represent to appear before you to-day in the hope that I may be able to put before you some of the facts in connection with the insurance phase of this question which would not ordinarily come to your notice.

The Metropolitan Life Insurance Company is a so-called industrial life insurance company, or rather the greater part of its activities is devoted to the insurance of working men, women, and children. It has been engaged in this work for a period of over thirty years and, in connection with similar companies to-day in the United States, is insuring the very large bulk of the working men and women, and children I should add, in the United States. For this reason the organization of a department of public health comes home to those companies with very particular significance. The company which I am here representing to-day, for example, has in force at the present moment over 10,000,000 policies on the lives of workingmen and their families. There are probably in existence to-day in the United States over 20,000,000 of these policies, represented by various industrial insurance companies, representing, as you will see, a very large proportion of the population of the United States. It should be said here to you that at the time industrial insurance was introduced into the United States there was practically no experience as to mortality among the workingmen. The premiums which were at that time established had to be based purely on empiric laws and were specifically found on the mortality at that time experienced to be too low. It was necessary to increase them, and the various companies since then have been attempting to intelligently interpret the experience they have gathered from their mortality records.

I would like to have placed in your record in particular the experience of the Metropolitan Life Insurance Company, which is based purely upon results obtained and statistics gathered—the experience of the years 1890 to 1894, a period covering four years, and a similar experience from 1896 to 1905. The latter experience, I should add, is based on over forty-eight million years of risks and covering over 767,000 death claims.

The CHAIRMAN. That will be admitted.  
(The paper referred to is as follows:)

## *Metropolitan Life Insurance Company industrial mortality experience.*

[Deaths per 1,000 living.]

| Age.    | 1894 experience<br>(1890-1894). | 1905 experience<br>(1896-1905). | Age.    | 1894 experience<br>(1890-1894). | 1905 experience<br>(1896-1905). |
|---------|---------------------------------|---------------------------------|---------|---------------------------------|---------------------------------|
| 2.....  | 49.37                           | 36.95                           | 40..... | 19.29                           | 14.90                           |
| 5.....  | 16.08                           | 9.84                            | 45..... | 22.56                           | 17.64                           |
| 10..... | 5.47                            | 3.76                            | 50..... | 27.59                           | 21.98                           |
| 15..... | 5.08                            | 4.15                            | 55..... | 35.22                           | 28.81                           |
| 20..... | 10.52                           | 7.62                            | 60..... | 46.87                           | 39.55                           |
| 25..... | 14.14                           | 9.99                            | 65..... | 64.51                           | 56.32                           |
| 30..... | 15.73                           | 11.85                           | 70..... | 90.99                           | 82.31                           |
| 35..... | 17.15                           | 13.19                           |         |                                 |                                 |

Forty-eight million years of risk.

Now, due to greater improvement in conditions between the years first mentioned and the years subsequently mentioned, the company ascertained that the mortality had very decidedly improved; that the improvement in tenement-house conditions, improvement in living conditions, improvement in the prevention of disease, particularly during the campaign that had been carried on between 1895 and 1905 in the direction of the prevention of infant mortality; the improvement in condition of furnishing milk to the masses of the population had so affected the mortality that it has been able since then to materially increase the amount of benefits which were given to the workingman over those which were given before. May I just call your attention to a few instances of the improvement in this mortality. At the age of 2, for example, in the first experience of the 1894 experience, there was a death rate of 49.37 per thousand policy holders. That was reduced in the later experience to 36.95. At the age of 5, from 16.08 to 9.84; at the age of 15, from 5.08 to 4.15; at the age of 30, from 15.73 to 11.85, and so on, at practically every age, and at every decade we have found that to be the case by improvement in health conditions throughout the country and for the various reasons that I have cited, which we feel are partly due to the education that has been given.

The CHAIRMAN. From what source do you gather these statistics?

Mr. FRANKEL. These are our own figures, our own experience covering forty-eight millions of lives of years risks, and over six hundred thousand death claims actually paid by us.

Senator SMOOT. During that same period of time how does it compare with foreign countries?

Mr. FRANKEL. That would be a rather difficult question to answer offhand.

Senator SMOOT. Take some of the principal countries or principal States. I suppose you have compared them a great many times, you being in this line of business. What does the examination into those matters reveal?

Mr. FRANKEL. I would say, without attempting to form a conclusion, that if compared with Germany the improvement in the death rate in Germany has been better than in the United States in the corresponding period of time, particularly the period from 1880 down to the present moment.

Senator SMOOT. How is it with regard to England?

Mr. FRANKEL. I am not in position to say with respect to the same period of time. Those figures are available, however, if the committee desires them.

Senator SMOOT. Have all of the benefits accrued through one source; that is, the improvement of conditions affecting health?

Mr. FRANKEL. The general improvement in conditions affecting health. The important thing that we are here to bring out, Mr. Chairman, however, is this, the value that this is to the individual affected. By reason of this improvement in health conditions, it has been possible for this particular company to return, over and above its policy contracts, over \$23,000,000 to the individuals concerned. It has been possible, at two respective intervals, for them to increase by 10 per cent each time the amount of insurance they are able to give for the same premium.

Senator CRAWFORD. Who is entitled to the credit of improving those conditions? Who brought it about?

Mr. FRANKEL. I should say the general movement that has gone on in the United States within the last twenty years, and particularly even within the last ten years.

Senator SMOOT. Through the state boards of health?

Mr. FRANKEL. Through the state boards of health, through social changes of all kinds, through improvement of tenement houses in large cities, through improvement of the milk conditions generally, and improvement of water conditions.

Senator SMOOT. And through pure food?

Mr. FRANKEL. From pure food and due to the improvement of conditions in the cities and agricultural districts, and the effort that has been made by a variety of agencies throughout the United States to bring this about. The contention that we make is that if this can be done through a diversity of organization it would be far excelled if all this work could be supervised and directed from one common agency.

Senator CRAWFORD. That is the point; what makes you think it would be better than to have all these diversities of movements working?

Mr. FRANKEL. First of all, centralization would prevent overlapping. There is waste at the present moment at a very considerable extent.

Senator BRISTOW. Doctor, can you specify the actual specific things that you want the Government to do. We all know what the state boards of health are doing and what these charitable institutions are doing, but what do you want the Government to do along this special line that you are discussing?

Mr. FRANKEL. May I suggest it is difficult to point out what the Government may eventually do. We have at the present moment nowhere any information that will give us statistical evidence as to either a correct mortality in the United States or as to a correct morbidity in the United States.

Senator BRISTOW. That ought to be collected through the census. That is the bureau that collects every phase of information as to our national health, and that ought to be attended to so as to get it into this census, if there is anything to derive in that way.

Mr. FRANKEL. Possibly that question may be answered in another way that that portion of the census might be under the charge of such a board of public health.

Senator BRISTOW. But that is not done. The census covers the whole thing.

Mr. FRANKEL. The census does not collect statistics of that kind at the present time.

Senator BRISTOW. You state that they ought to be collected. Then it ought to go under the census if it is desirable, and it seems to me that it would be.

Senator SMOOT. If I understand it, you take this position: That you want the Government to take the initiative of establishing these great reforms in the States?

Mr. FRANKEL. I think it ought to.

Senator SMOOT. Instead of the state boards of health, as in the case of the past?



Mr. FRANKEL. I mean that the Government ought to be in the position, through some department created by the Government, whereby all of these agencies could be coordinated, whereby through a centralized system—a centralized department—it might be possible to have uniformity. There has been discussion here as to the question of quarantine, for example, in the past, and while it may be perfectly true that there are state issues involved, I think you will readily see that the objection has arisen that quarantine is not an interstate affair, but rather an intrastate affair, and there is such a thing necessary as national quarantine which has been established under the jurisdiction of the Government. Now, this health question—the question of the spread of disease——

Senator SMOOT. If it is intrastate, you do not claim that the Government has any power whatever to interfere with that, do you?

Mr. FRANKEL. If it is intrastate?

Senator SMOOT. Intrastate, not interstate.

Mr. FRANKEL. I am not sufficiently a lawyer to say whether that is true or not.

Senator SMOOT. I do not think anyone in the world would claim that.

Mr. FRANKEL. But there is a federal quarantine at the present time.

Senator SMOOT. Yes, sir; there is federal quarantine, but that is interstate.

Mr. FRANKEL. Interstate; yes, sir. Possibly I misunderstood you. I think the same thing is true of preventable diseases of all kinds. We are having an enormous agitation throughout the country to-day directed against tuberculosis. Tuberculosis, of course, is regarded as being more than a municipal affair, more than a state affair, and it has a very distinct federal issue involved in it, and that issue is its final eradication. If it is true that it will be eradicated—and it is true that our best authorities are firmly convinced that it may be eradicated—that issue will become a federal issue just as it became a federal issue or government issue in other countries than the United States.

Senator SMOOT. That is, you mean federal control, or do you mean the Government itself taking up the question as to how to prevent it?

Mr. FRANKEL. Yes, sir; it is a question of education.

Senator SMOOT. How to prevent it, and by way, perhaps, of advice to the different States. You do not think for a minute, do you, that the Federal Government can go into a State and control the question of tuberculosis?

Mr. FRANKEL. Oh, no, sir.

Senator BOURNE. Do you think the state boards would be willing to operate under the direction of the Government if this department was created?

Mr. FRANKEL. I should think they would.

Senator BOURNE. Have you any information that causes you to come to that conclusion?

Mr. FRANKEL. I have not; no, sir.

Senator CRAWFORD. Your idea seems to be to coordinate and bring into harmony all those agencies of the Government as a central directing agency that would control as to the governmental

functions and would act in an advisory capacity as to all the state agencies?

MR. FRANKEL. It would be practically a clearing house for all agencies—all health agencies.

Senator BRISTOW. That is very good generalization, but what is the government officer to do? What specific act is he to perform?

Senator SMOOT. What power would he have?

Senator BRISTOW. What power would he have? Would he have the power to sit on state boards and do things that the State had not done? Would he have the opportunity to know what they were doing under the laws of the United States?

MR. FRANKEL. No, sir; I do not think so.

Senator BRISTOW. What is he to do?

MR. FRANKEL. We have a national board of education; there are state boards of education and city boards of education, and yet we realize that in our educational system this thing should be taken up on federal lines. No one doubts the advisability of having such an officer to do the very thing that a health officer ought to do, bringing about coordination, cooperation, prevention of duplication, prevention of waste, and bringing about public sentiment and educating public sentiment and the public generally along modern lines for the prevention of disease and the prolongation of life.

Senator SMOOT. In that case you would not think for a moment that it would be proper to have that one particular member a Cabinet officer, would you?

MR. FRANKEL. The question of his being a Cabinet officer to my mind, is closely related to the dignity that such an office carries with it. I question whether the prestige, whether the force, could be given nationally to a movement of this kind unless it were dignified with a Cabinet position. I should not say that that necessarily prevented the consummation of such a department.

#### **STATEMENT OF ROBERT LYNN COX, GENERAL COUNSEL OF THE ASSOCIATION OF LIFE INSURANCE PRESIDENTS, OF NEW YORK.**

MR. COX. I am here, gentlemen, to speak primarily on behalf of the business of life insurance generally, and representing as I do specifically the leading life insurance companies of the United States that are included within the membership of the organization which I represent, I think if I have any purpose here it is to perhaps emphasize if I can the importance of this movement as a business proposition; to emphasize it from the business standpoint rather than from any sentimental standpoint that may exist. If Congress here and now as heretofore is going to either deal with this question on a sentimental side or allow it to be dominated by the sentimental side alone, then I suppose tears will be our main contribution to the discussion, and the main answer that we have to make to the serious financial loss which involves premature human death.

The business of insurance which I represent may be said to have begun only about sixty-seven years ago, so far as the United States is concerned. That was the beginning of the development of that business as we know it to-day in all of its quantity, and all of its



ramifications, with which you gentlemen are familiar. When it began it was decried as the measuring of human life by dollars alone. They even went so far as to say that it was interference with Divine Providence; it was an attempt to mitigate the punishment that was meted out by the Supreme Ruler of this universe to human kind, but we have gotten so far away from that sentiment and that doctrine that it sounds very strange to our ears to-day, but I do not believe that the American people yet understand that it costs money to raise men just as it costs money to raise horses. We have not been accustomed to dealing with these things on both sides, and, as I said in the beginning, I want to emphasize, if I can, here and now that side of the question—the business side. The Federal Government finds no difficulty in acting when the matter of hog cholera is suggested, does it? It does not have any particular difficulty in stamping out the foot-and-mouth disease in cattle, does it? And are we to have it suggested to us that it is going to find difficulty when it comes to dealing with typhoid fever and tuberculosis? That is the question. We have come to regard these other things as affecting the material resources of this great nation, and then the Federal Government steps in and says, "We will conserve these resources, and we will protect these interests." Now, of course, I take it that none of us would protest against that. It is very important work, and we are asking that the human kind shall be brought up to the level of the animal kind.

Senator SMOOT. Just let me ask a question there. Do you think the economic provision of the matter would be satisfied with having little packages of serum sent out from the department of health in Washington direct to the sick and afflicted, to be used by them in cases of disease, and all the instrumentalities at home for curing these people should be removed?

Mr. Cox. I say this—of course, I am not here to speak for the medical profession; they can speak for themselves.

Senator CRAWFORD. That is the way they do in the case of hog cholera and many other things.

Mr. Cox. I do not suppose we will adopt quite the method in curing men that we do when we come to curing hogs, nor do I suppose that we are going to distribute serum as we distribute seeds to the farmers, but I do say this, Senator, that if I understand the attitude of the medical profession to-day it is that their entire sympathy is with this movement to prevent disease. We might, I suppose, as laymen, say of them that they ought to be interested in having the entire American people sick in order that they might treat them, but that is not the attitude of the medical profession to-day, and I think more than ever are they giving their attention and their thought to the matter of preventing disease. Now, I do not suppose in seriousness that we will come down to the treatment of the individual in any case of this sort, but perhaps we will find a way in which we can prevent contamination by wholesale. Of course many animals are disposed of; they kill them if necessary, and bury them.

Senator BRISTOW. Just there let me ask what you want done? I am perfectly agreed with you in all of these things, but what do you want the Government to do?

Mr. Cox. Well, of course, that brings me back, as you are trying to bring all of the speakers back, to specify in a matter which I will

frankly confess I, perhaps, am not qualified to answer, but I will give you some of my views of what I think the Government might do. I believe that the Government can have the most potent educational influence with reference to this question that can be created, and in the last analysis I believe that health and longevity and the prolongation of life becomes mainly an individual question.

Senator BRISTOW. You say educational. What system would you suggest that a department or bureau, whichever it was, should adopt in an educational way; the publication of books or the sending out of bulletins or pamphlets, or what, along that line, have you to suggest?

Mr. Cox. You anticipate a little what I am about to come to, but I am quite willing to be interrupted to suggest what education may mean. The people do not know, and have not known, the causes of diseases. When they come to know what the causes are the people will then make way with those causes. Now, first and foremost, I take it to be important that we find out what the causes are, and that we let the people know what they are.

Senator BRISTOW. Excuse me if I am interrupting you, but I want to know——

Mr. Cox. I am very glad for any interruption that pleases you.

Senator BRISTOW. I want to get your idea. You speak of the cause of disease. You think the Government could have some means of ascertaining the cause of disease more readily than it is being done at the present time by the medical profession, do you? You think that the Government in some way can aid that in investigation and discovery?

Mr. Cox. I certainly do; yes, sir.

Senator BRISTOW. Now in what way would you suggest?

Mr. Cox. Just as they investigate the cause of hog cholera, and other similar diseases—put experts to work upon the question of finding out what causes those diseases. [Applause.] I am afraid the Federal Government has not given sufficient thought to the subject.

The CHAIRMAN. I will say to the audience that I hope they will discontinue this manifestation of applause. We did not come here for that purpose, and I hope that it will be discontinued.

Mr. Cox. Let me say this, that this matter of studying the causes of diseases is a very complicated question. To get right back to the business which I represent, we have been for over sixty years collecting statistics with reference to deaths. We have collected them as a matter of business; that is, it behooved us to know, and we had to find out what every policy holder died from. Coupled with that, we began a system of medical examination to determine the condition of those policy holders when they entered the company. We have learned a great many things in the course of conducting that business with reference to how long men of a certain physical condition were likely to live, as disclosed by the examination, but even now we have not done all that we ought to have done and that we might have done with reference to it. We have been mostly concerned in trying to find out how many men out of one hundred thousand, for instance, whose lives we insured, would die within a year, and we were not so much concerned on this question of just why, except that it would help us to exclude bad risks in the future. But we have now,

the life insurance companies generally, an experience with about 15,000,000 lives, and within the past year we have had an examination of those lives—those records—to see what really did cause death. Now, I fancy, when that information is collected, and there is no such information at the command of the Federal Government nor in any other place that I know of; we did not collect it for this purpose; it was collected incidentally—I fancy that when that information is collected and compiled that we will know a great deal more about the cause of death than we know now. It will not be speculation; it will be experience.

It seems to me that it is of the utmost importance that that kind of work should be done. Of course this need not be done because we are doing it, with the records at our command, at the expense of thousands of dollars; and we are doing it in order, first, that the benefit of it shall be given to the life insurance companies in the matter of accepting and rejecting risks. But it ought to be given to the world at large.

Now, it has been suggested here that we may have twenty or thirty millions of policy holders in this country, which, of course, is a tremendous proportion of the citizenship of this country, but there is that other portion of the citizenship with which we do not come in contact and with which we can not deal. In fact, the citizenship of this country which is impaired in its health we do not have anything to do with. We simply close our doors against them as a matter of business and send them away. They are entitled to more than we have been able to give them in connection with our business or more than we can do for them. I think that is distinctly a problem for the Federal Government to handle.

Now, with reference to this statistical matter——

Senator BRISTOW. That would be collecting the statistics in regard to diseases, the source of diseases, and the employment of experts to attempt to determine what is the cause of those diseases.

Mr. Cox. Yes, sir; in order to get the Government to act, either federal, state, municipal, or any other way, you must show the people, the people who have cast the vote, the necessity for action and the expenditure of money.

Let me hold up this map, which Doctor Wilbur was good enough to prepare for me several months ago. It shows simply the States in which there is, from the federal standpoint, an adequate registration. The births and deaths are colored in red on this map. The yellow parts of the map are places in which they have not adequate records of even the births and deaths in this country.

Senator BRISTOW. Do you suggest that the Federal Government establish a system of discovering the births and deaths in the several States?

Mr. Cox. I do not suppose it could legally do that.

Senator CRAWFORD. In no State. Among the States that have those red marks, I see one is my own. That is purely a matter of State?

Mr. Cox. That is a matter of State, but see how inadequately to date the States have done the work. Now, it is the fact that I want to confront you with. The problem of how we can prove it becomes another question.



Senator SMOOT. The red marks are what?

Mr. Cox. They are the States which make a registration of births and deaths that is satisfactory from the standpoint of the federal requirement with reference to the collection of such statistics.

Senator SMOOT. What are the pink?

Mr. Cox. Those are the ones that are between. I understand that they have a registration which is partially satisfactory.

Senator SMOOT. I notice the State of Utah there is marked in pink. I know that the State of Utah requires a complete registration of every birth and of every death.

Mr. Cox. Of course I do not vouch for the accuracy of the map beyond the fact that it is one prepared by the federal department, and I take it it means that they have established a standard or record.

Senator SMOOT. I do not know whether it is one that the medical fraternity of the United States would say is perfect in all particulars, although I do know that the law requires that there shall be a complete record of every death and of every birth.

Mr. Cox. Do you know whether or not the state law is sufficient and far-reaching enough to require that of all the rural communities as well as the cities?

Senator SMOOT. Every one in the State of Utah.

Mr. Cox. The point, of course, is that that is a very simple proposition, apparently, to take a record merely of births and deaths, and that it is a very small step, but it is a very important step, of course, as a beginning of the understanding of what is causing the deaths of the people in this country.

Senator SMOOT. That is why I was going to interrupt you awhile ago when the Senator from Kansas asked you a question. I was going to say that it seemed to me that it would be very simple indeed to find out what the causes of death are by the States themselves keeping this record—and every State ought to have it—but I was going to ask you if you knew whether there were any States that did compel it and did not compel it?

Mr. Cox. The map is an ocular answer to your question. This question has been discussed somewhat with us with reference to what we can do to induce these States to do it. The States do follow the lead of the Federal Government in many things, but there ought to be some systematic organized effort to collect at least that amount of information with reference to what is causing death in this country.

I believe that the Federal Government would have the power to do it. I do not think that any man has ever felt that there should be any reason why the Federal Government should be asked to step in and interfere with anything that the State government may do, and I only want to say that my view of that is that what the Federal Government can do is to add to that which is being done, and it can superimpose what it may do upon what others may do. I am not here asking that we be allowed to escape any duty that we are now performing—and we are performing many duties. I am not here asking that we shall be relieved from anything that we can do. We are only asking really that the Federal Government shall undertake, as has been said, to coordinate and bring together—unify and bring into harmony those various industries which are now existing in independent fashion. That, primarily, it seems to me, would be the advantage of this movement.



Senator OWEN. Mr. Chairman, if Mr. Cox will excuse me, I desire to say that the time is very short for this hearing, and while his remarks are of great value and of great interest, and ought to go into this record, yet there are so many others who must be heard, and I will ask the committee to permit Mr. Cox's further statement to go into the record in order that we may get into the record the views of the other gentlemen who are present here and who have come from a long distance, and whose views ought also to go into the record, and we can not do so if we do not economize our time.

Senator SMOOT. You ask that he submit his remarks in writing?

Senator OWEN. Yes.

Mr. Cox. I had no thought of taking so much time myself.

Senator OWEN. There is no apology necessary, Mr. Cox, because it is a very interesting and a very important matter, but our time is very short, and we must take advantage of the time we have, and for that reason, knowing that you desire the promotion of this matter and its advancement, I make the suggestion, since the record will show the whole subject printed. It is not because I do not fully appreciate the importance of what you are presenting. I personally thank you very much.

Mr. Cox. May I just in conclusion have one word to say, and that is that I do not want my appearance here, or our appearance, to be taken in anywise reflecting upon the health bureau, which is now in operation under the direction of Doctor Wyman. I want that distinctly understood. We appreciate the work of that bureau, and it is not in criticism of what has been done by that bureau—and Doctor Wyman is desirous that I appear here—but it is merely a plea that he be given an opportunity for a wider field and more efficient work than it has been possible for him to do with his bureau organized as it is.

**SUPPLEMENTAL STATEMENT OF ROBERT LYNN COX, GENERAL COUNSEL OF THE ASSOCIATION OF LIFE INSURANCE PRESIDENTS, IN ADVOCACY OF SENATOR OWEN'S BILL TO ESTABLISH A FEDERAL DEPARTMENT OF HEALTH.**

Mr. Cox. I am here to speak in favor of this bill on behalf of the life insurance business as represented by the leading life-insurance companies of the United States. I hope my appearance will serve to emphasize the economic aspect of prolonging human life.

If the sentimental side is permitted to dominate in the consideration of this question as it has heretofore, tears will again constitute our main contribution to the financial problems presented by untimely and unnecessary deaths. I would not be understood as intimating that Congress fails to respond to sentiment, for evidence to the contrary measured by millions of dollars may be found in every annual appropriation bill. But, rather would I be understood as recognizing the duty resting upon you to see that there is reasonable certainty of adequate return in some form or other for every dollar of the people's money you expend. If it can be shown that money spent to prolong human life means large economic gain to the nation as a whole, there would seem to be but one answer to the question of whether you should spend it. To the consideration of this question life-insurance companies ought to be able to contribute

some valuable information, since their business is founded on the principle that human lives have a money value.

Life insurance in its magnitude and importance to-day in the United States is a growth of but sixty-seven years—a period of time considerably less than the lifetime already lived by several Members of this Senate.

In the early days of its development it was decried as an attempt to measure human life by dollars alone, to mitigate the punishment being meted out by the Supreme Ruler of the Universe, and, therefore, an interference with Divine authority. This doctrine sounds strange to our ears after a half century of education and progress, but we are even yet not quite mindful that it costs money to raise men as it does to raise horses, and that the world loses more dollars through the death of able-bodied human beings than it does by the ravages of disease among domestic animals.

The Federal Government can be stirred to great activity to stamp out hog cholera, but it sits supinely by if the scourge be typhoid fever among men. It is in the front ranks when it comes to dealing with the foot-and-mouth disease of cattle, but hesitates about acting when shown that human beings are dying in this country at the rate of one every three minutes from tuberculosis.

And why is this so? Simply because we are not accustomed to view human life from an economic standpoint. We want better water and more sanitary habitations, and sometimes we vote to tax ourselves to get them, but we do it in order that we may escape death ourselves rather than because we regard ourselves as having a money value worth saving to the world at large. Life-insurance companies began telling men years ago that untimely death meant a financial loss to their dependents which could in a measure be provided against. They did not suggest that men might learn how to live longer, but did say that the money loss incidental to death might be distributed among the living on a scientific basis.

For more than sixty years they have been teaching these facts as a matter of business. They knew that mortality rates afforded the basis for premium rates, but thought their duty ended with a mere computation of rates. To-day the subject is taking on a wider aspect. With increasing need for life insurance there comes a demand for lower premium rates. But these rates can not be lowered materially except by decreasing mortality among policy holders. That mortality can be lowered by intelligent supervision of sanitary conditions, our medical friends have proven beyond a shadow of doubt. It can not be accomplished by any one business interest nor by one city or even one State. All interests, all cities, and all States must act in cooperation. This makes it a federal question. This explains why Senator Owen has introduced a bill to establish a federal department of health and why we are here to favor it.

We confess to viewing this matter largely from its business side and ask Congress to do likewise. It is because of the importance of its business aspect that we believe the Government can without question afford to do all that this bill contemplates. While I urge you to engage actively in the movement to prolong human life, I must not leave the impression of its undue importance to the particular business I represent. We can, and largely do, protect ourselves by medical examinations which disclose cases of incipient disease and

bad hereditary tendencies. We reject these cases, and that may save us financially, but it totally disregards the problem of what should be done for the unfortunates who are thus rejected—those who need protection most. This is a problem of government. We may point it out, but the burden of solving it rests upon you. It is not, however, a question of asking the Federal Government to carry the whole load. It is rather the question of whether it will cooperate with forces already at work, whether it will lend the encouragement of governmental leadership of a movement well under way and containing a veritable army of volunteers equipped for battle against all kinds of preventable diseases which afflict mankind.

One of the first steps to be taken in preventing untimely deaths is to acquire accurate information in regard to the causes of such deaths. This involves not alone inquiry as to the ultimate and direct cause, but concerning the indirect and contributing causes. Such information is not to be had in quantity sufficient to be of real value except in the archives of life-insurance companies. They have collected it in the prosecution of their business over a period of many years. Even there it has never been collated and thus made of the greatest practical value. Within the past year the leading life-insurance companies, acting through their medical directors and actuaries, have determined to make a scientific and exhaustive examination of their records of some fifteen million individual policy holders whose policies have matured as death claims. This information will be given to life-insurance companies in order that they may the better know how to select and reject risks, and to the world in order that people may escape death by avoiding as far as possible the causes which experience has shown lead to death.

It is believed that the product of this investigation, when added to the knowledge already acquired in regard to the causes of diseases and death, will mark a new era in matter of prolonging human life.

But some agency as powerful and far-reaching as the Federal Government must be prepared to take this information and act upon the suggestions it may contain—if necessary, to enforce the lessons it may teach.

The business of life insurance is more widely distributed and probably more intimately connected with the American people than any other business interest. About 20,000,000 people in this country hold policy contracts. Life insurance companies have medical examiners to the number of at least 80,000 distributed throughout the cities and villages of the different States. They have thousands of agents soliciting business, whose sole occupation consists in pointing out the losses occasioned by death and the need for protection against it. A notion of how widely their direct representatives are distributed will be most readily gained by looking at a map presented in connection with the paper read at the last annual meeting of the Association of Life Insurance Presidents. This map shows merely the location of the medical examiners of a single company of medium size only, in the State of Kentucky. A similar map could be prepared for nearly every State in which that company is doing business. It might be multiplied by equally wonderful showings which could be made by dozens of other life insurance companies.

Mind you, I do not say that these representatives can be placed at the disposal of the Federal Government in the promotion of a health



campaign. They are employed in a business enterprise which has a right to first call upon their services, but it would seem that they can at least be given some part to play in the campaign of education which must be carried on throughout this country, and, after all, education must constitute the mainspring of this movement. When people come to understand generally that the diseases which cause a majority of the deaths in this country are largely preventable, and to know what can be done to prevent and, perchance, cure such ailments, they will not be long in demanding their prevention and cure.

The dangers arising from communicable diseases seem to increase in geometrical progression with the increase of population. We may admit that a federal health department was wholly unnecessary for the last generation, but it by no means follows that it is unnecessary for this day and age. Advancing knowledge is teaching us what we can do to promote health—things which were wholly unknown a few years ago. Increasing congestion of population shows many things which must be done to protect human life which need not have been done a few years ago. Therefore, what we ask for is simply in line with what is needed to meet the problems incident to advancing civilization. We are simply requesting the Federal Government to get in step with the march of progress. We are not asking to be relieved from anything which we are now doing or that we can do in the future. We are only asking that others accept their share of responsibility and perform their part in a movement for the common good.

The managers of life insurance companies are closely limited in their activities by laws and regulations. They are hampered by customs and prejudices. They can not do all that they would like to do, nor perhaps all that their judgment tells them they ought to do, but they are ready to do much. They appear here to urge you, as the representatives of all the people, to join in a movement which up to this point has been carried on by a few people only. The pioneer work has largely been done, and let me say, in this connection, that much of this work has been done by the Public Health and Marine-Hospital Service of the Federal Government itself.

Nothing I have said must be construed as minimizing the value and importance of that service nor as failure to appreciate the wonderful results achieved by Doctor Wyman and his able assistants. My argument is not directed against that bureau or the men in it, but, on the contrary, is meant to be a plea for giving them larger fields and greater opportunity. They have not only demonstrated their personal fitness for such service, but the fitness of the Federal Government to carry on the work of preventing disease and thereby prolonging the average human life.

Gentlemen, the conservation of material resources is of great importance, but the conservation of human life is of greater importance. It will save as many dollars, and by saving also sorrow and suffering will contribute more to the happiness and contentment of the American people than water powers and coal fields. To conserve the health of America is to conserve its greatest and most important natural resource.

Senator OWEN. I now introduce Doctor Welch, president of the American Medical Association, of Baltimore.



**STATEMENT OF DR. WILLIAM H. WELCH, PRESIDENT OF THE  
AMERICAN MEDICAL ASSOCIATION, OF BALTIMORE.**

The CHAIRMAN. Doctor, I will state there is only about one hour remaining of the time that we can give to this hearing to-day, and if you can make your remarks in about ten minutes we will appreciate it, while we dislike to restrict you. I will state in addition, in order that you may be able more readily to limit your remarks, that there is little difference, as far as I know, in Congress or out of Congress, as to the importance of this matter, but it is practical suggestions that we desire in order to know what ought to be done or what can be done. Will you please give us some specific suggestions as to what you think Congress ought to do, and if you can condense your remarks within ten minutes, it will be very desirable.

Doctor WELCH. Mr. Chairman and gentlemen of the committee, it certainly is most gratifying to be informed of the appreciation on the part of Congress of this great matter. That is, I believe, something new on the part of Congress. I have always considered that one of the best examples of the lack of appreciation of Congress of matters of this kind was the form in which they constituted the Isthmian Canal Commission. You may recall that they provided that there should be three or four sanitary engineers; not one word about a sanitarian—and a sanitary problem is, of course, just as great as the engineering problem. Therefore you may imagine how we welcome your statement that Congress has at last waked up to something which there has been evidence of lack of any sort of appreciation of in the past.

The practical question undoubtedly is whether this proposition of a department of public health is really the best solution of the matter. It is no doubt a problem, and a very serious problem, which faces you. You realize—I think all realize; perhaps none better than Doctor Wyman, the head of the Public Health and Marine-Hospital Service, our most important agency at present in the Federal Government relating to public health—how adequate it all is; how far short our Federal Government falls of doing what it should do in the promotion of public health. It is that situation which we face. That is the problem, and that is a problem which certainly can be solved, and must be solved, and the agitation on the part of the medical profession will continue until there is a satisfactory solution of that situation.

Now, you have inquired what can be the powers and activities of this department of public health. I do not believe anybody can tell to-day what the powers should be. There is a general impression, of course, that the Constitution of our Government is such as to permit of only a very limited exercise of power. I am not convinced at present—because, I suppose, the interpretation must come from the court—but we never have, I think, thoroughly faced the proposition of what the powers should be, and there are some good lawyers who tell us that the powers are by no means represented as they are generally supposed to be. I would simply like to throw out the suggestion that it may be that the Federal Government can exercise larger powers in this matter than is generally supposed to be the case, and would not look upon the prevailing impression that

those powers are so very restricted as to the final determination of the question. But I do not regard these purely administrative executive powers of such a department as of the most important. The general principle is, of course—and you have indicated it here, and that is the correct view—that the actual administration of the public-health laws should be local—first, the town, county, the municipality, and the State.

We have at present a very small number of good state boards of health. They are, I am glad to say, increasing in number. We have a very small number of good municipal boards of health, but take the country as a whole, we are woefully behind foreign countries in that regard. And why? I think, to a very large extent, because we have had no moral pressure on the part of the Federal Government; we have had no standard from the Federal Government; we have had nothing standing up above these local boards of health to indicate what is their duty in this matter. I think that would be the most important result of a good federal department of health, that we have at once an increase in the efficiency of all of our local and state boards of health.

You may ask, How is the Federal Government to accomplish that? It is to accomplish it, to a very large extent, by investigation and by an accumulation of facts and presentation of the facts. You have asked questions here to-day for information as to how these modern improvements in health matters have influenced the health of this country. It can not be answered. Why? We have not a satisfactory life table, and we can not construct it. This country has not a satisfactory life table for the limited areas desired. Massachusetts has an imperfect one; they are insurance tables for a very limited class, but we simply have not; and the very basis of public health is to know the existence of disease. We know from foreign countries that these improvements in health have increased the expectation of life and increased it with reference to the earlier years of life, and because those are the diseases which are preventable and which can be controlled.

Senator BOURNE. Have the foreign countries this information?

Doctor WELCH. Yes, sir; they have, and we have it now; but it is merely guesswork. These matters of information could have been collected, but have not been collected.

We have already in our Government a Public Health and Marine-Hospital Service. You know that it was not originally constituted for that purpose. It was constituted to take care of the sick seamen, but it has gradually in the course of time assumed functions which have made it practically the only important health agency which we have in the Federal Government. That development has been gratifying in a great many respects. The development of recent years has been particularly gratifying, and I take it the practical question for you is, Is that view of public health one which can be expanded and made a satisfactory bureau, if you like, or department for the whole Government? I think that is beyond question, Mr. Chairman.

Now, I am perfectly frank to say that I do not think the form of organization of the bureau of public health is suited for the entire health department of this country. It is a semimilitary organization with a corps of assistants. What we wish to secure is, of course,

the activity of the leading sanitary experts of this country. The head of that department must come out of the corps with the title of surgeon-general—he must come out of the corps. Will that secure for us as the head of this federal bureau or department—it may to-day, but in principle will that secure for us, of necessity—the best sanitarian to supervise the federal activities? I ask you that question, whether you think that system by which the head of that department must of necessity be a member of the corps, and chosen from the corps, is the best system?

Senator BOURNE. You are a specialist, and we would like to have your suggestions.

Doctor WELCH. I do not think so. I am a very great admirer and friend of General Wyman, and I think he has done great things for his bureau. He knows my opinion in this matter. I have been very glad to assist him in every way to strengthen and expand his bureau because it is the only thing we have, but he knows that I never have believed that that bureau could be the whole thing; that there should be over and above the bureau a commissioner of health, if you like, a secretary of health, preferably, who should be selected after a survey of the whole country. There may be some possibility of the reorganization or transformation of that department. Nor do I think it is very elastic as regards getting attached to it the best sanitary officers of the country. I think there are great difficulties in having experts attached. The bill, which I have recently seen, which was introduced in the House provides, for instance, for a very important division of sanitary engineering. It is a division for water supply, for the disposal of the sewage. Now, who is to be the head of that? A member of the corps, of necessity, is the director. There will be a sanitary engineer under him, but I think the head of that division should be himself a sanitary engineer. The head of the hygienic laboratory must be a member of the corps, according to present conditions.

I think, therefore, looking at it as a purely practical question, that we are not likely to be satisfied in this country, and that the medical profession is not likely to be satisfied. Do you regard that very excellent Public Health and Marine-Hospital Service as capable of being developed, without what would amount to a revolution in its present semimilitary corps—assistance organization—into all that the country needs in the way of a federal organization?

Senator SMOOR. Do you think that it ought to be superseded by some other organization?

Doctor WELSH. No, sir; retain it by all means. Do not give up anything that we have. That would be a calamity. It has admirable features, but those should be conserved and strengthened and bettered. There is no question about that. There are directions in which the corps system is very well suited, as in quarantine, and in relation to foreign commerce, etc. I would not for a moment suggest any weakening of that department, and, if it is all we are going to get, strengthen and expand it, but if we can get something different and better which would serve as a nucleus or center, if you like, of the federal system—I think that is certainly not an ideal, but it is the thing to aim at—it would be much preferable.

Senator SMOOR. Doctor, suppose that were expanded to reach perhaps all of the subject-matter that your profession is interested in—



that is, that affects public health—do you not think that it would be better than to try to leave it as it is to-day and have another department that perhaps would duplicate its work to a certain extent? In other words, whatever we do, we either want to abolish it and have one department handle all of the work, so that there shall be no duplication, and so that whatever step is taken will be taken for a final consummation of a plan that will be satisfactory to those interested in the public health of this Government, or expand it.

Doctor WELCH. That is precisely the point, Senator, the final consummation. Can we suppose that the development of the Public Health and Marine-Hospital Service as it now stands, with its present organization, will represent a consummation of all of this effort with which we have been struggling for so long?

Senator SMOOT. That is exactly what I was thinking, and I think this: That if we can—I am only expressing my opinion now, looking at it in a broad sense—if we can—mind you, I do not say that we can—but if we can, it seems to me that that is the easiest way to reach the object that we have in view. If we can not, and it is impossible to accomplish it, and requires another department or organization, it seems to me that we will get into trouble, if we have the two, through duplication of work.

Doctor WELCH. That requires the most serious consideration on your part. It requires the consideration which I do not believe has been exercised altogether on the part of all who are interested in this movement. That is the crux of the whole question.

Senator SMOOT. Now, all the information I want to receive here to-day—or rather our committee—is from men who have given this question study for years. We want them to say whether they think it is possible or whether it is not possible; and if it is impossible, why? If it is possible, give us the reasons for it. I may say that I am very much pleased with what you have said so far on this question.

Doctor WELCH. I look upon the difficulty in that matter in the form of organization. I would not say it could not be so transformed, but I think it would amount to almost a revolution—so transformed that we could not take that and develop it into what the country needs. Just take that one matter. The head of that—according to the present organization, and I think they would be very reluctant to relinquish it—must be chosen from the corps, must he not? Is that the best way of necessity to get the head of the sanitary service to this country?

The CHAIRMAN. That could be done without destroying the organization. It would not be impossible.

Doctor WELCH. If you change the plan of organization and take hold of that and build on that, but I think it would mean a pretty radical change of organization. If you can do that, I think it should be satisfactory. I know it would be.

Senator SMOOT. I think you will admit that whatever is done, if it conforms to the wishes of the medical profession, will be virtually a revolution. So we might as well have a revolution within the organization that we have as to have a revolution outside of it.

Doctor WELCH. Yes; I look upon this—and I think Doctor Wyman ought to do so himself—in this way, that if we do not get what we are aiming at in the form of this department there will be a very great development and improvement of his bureau. That will be an



outcome of this, I am quite confident; but that stops short. I would like to leave this impression that it stops short, and quite materially short, of what we believe to be the very best for the country.

Senator BRISTOW. You would have the head of this bureau or department taken from civil life?

Doctor WELCH. I would have it so that that would be permitted, to say the least. We want to get the very best sanitarian that we can.

**SUPPLEMENTAL STATEMENT OF DR. WILLIAM H. WELCH, PROFESSOR OF PATHOLOGY, JOHNS HOPKINS UNIVERSITY, PRESIDENT-ELECT OF THE AMERICAN MEDICAL ASSOCIATION, AND PRESIDENT OF THE MARYLAND STATE BOARD OF HEALTH.**

Mr. Chairman and members of the committee, the question of the manner and extent of the activities of the Federal Government in the promotion of the public health is one of prime national importance, and it is most gratifying to hear from the chairman of this committee that this importance is generally appreciated by Members of Congress. Such appreciation is, I think, of comparatively recent development. I have hitherto considered that a fair measure of the general realization on the part of Congress of the importance of sanitation was that in creating the Isthmian Canal Commission it provided that four members of this commission should be engineers, without a word concerning a sanitarian on the commission, although the sanitary problems in this great work are as important as the engineering, and their solution essential to success in the undertaking.

The powers of the Federal Government in the administrative control of disease are, of course, restricted by the Constitution. These powers, even as thus restricted and already exercised, are by no means inconsiderable. No one can say that these powers have hitherto been exercised to their full extent, and I venture to suggest that, without further decisions and interpretation by the courts, it is not at present possible to state definitely their precise character and extent. If the intervention of the Federal Government should be necessary to stay the spread of a devastating epidemic, surely some way will be found by which this can be done. I may cite as an illustration of such intervention the extermination from this country, about twenty years ago, of the epizootic pleuro-pneumonia of cattle, a disease which had been the cause of great economic loss to the country and of international disputes. This triumph of preventive medicine was accomplished mainly by the activities of the Federal Government, although it was necessary to conduct its operations within the several States and with the consent and cooperation of the States.

It is not, however, in the exercise of these administrative sanitary powers, be they larger or smaller, that the National Government will find its principal and most beneficial field of activity in the advancement of the public health. It is a well-recognized principle that the enforcement of public-health laws and regulations should be left so far as possible to the local communities. While it is not contended that a federal department of health can or should stand in the same relation of control to the boards of health of the States as the latter do to their city, town, and county boards of health, I have no hesitation in saying that a federal department of health, such as

our country should possess, could do more to raise the standards and increase the efficiency of public-health administration and work throughout the country than any other agency or influence. While we have a few good state and municipal boards of health, our country is in general far behind the nations of Europe in public hygiene. The disgraceful prevalence of typhoid fever, which is a good index of the local sanitary conditions, and which has been practically eliminated from many European cities where it formerly prevailed, is one evidence of our backward state. We have very few trained sanitarians. Questions have been asked here this morning which can not be answered, so far as this country is concerned, because we have no life tables, save a rather imperfect one for the State of Massachusetts. Vital statistics are as fundamental to public sanitation as bookkeeping in the conduct of business, and yet only a little more than one-half of the population of the United States is within the registration area recognized by the Census Bureau. Our rivers and streams and other sources of water supply have been allowed to become so seriously contaminated as to create a problem of national importance and great perplexity, and yet this is a field of public hygiene largely within the domain of the Federal Government.

The ways are various in which a federal department of health can increase the efficiency of public-health work throughout the country without invading the rights and powers of the States. It can create standards; it can set an example within its own administrative domain; it can aid in the training of health officials; it can advise and cooperate; it can investigate disease and the conditions of health and can promulgate information for the benefit of the people and of those engaged in public-health work; it can take the lead in initiating and carrying forward movements for the control of disease and the preservation of health. There are great problems of hygiene to be investigated which can be studied far better by a national department of health than by any other agency.

The inestimable benefits which the country has derived from the Department of Agriculture afford some indication of the ways in which a national department of health could serve still higher interests of the whole country. Before the creation of the Department of Agriculture no one could have foreseen all of the directions of its varied and ever-increasing activity and usefulness, and to-day no one can foretell all the fields which a federal department of health can cultivate to advantage, but enough can be told to leave no doubt as to the immense benefits in reduction of sickness and death and improvement of health which would come to the people from its establishment. The great modern triumphs in the prevention of disease are due to the application of scientific discovery, and with increasing knowledge man's power over disease will become greater and greater. A most important function of a federal department of health will be not only to contribute to this life-saving knowledge, but also to promote the application of existing and new knowledge to the practice of sanitation.

A practical discussion of the question of enlarging the scope of governmental activity in public hygiene must take into consideration the existing situation. We already have in the Treasury Department the Public Health and Marine-Hospital Service. This service, origi-

nally established for the care of sick seamen, has in the course of time gradually assumed functions which have made it the principal bureau for public health in the Government. In recent years, especially by the foundation of the hygienic laboratory, it has been materially strengthened and is doing admirable work; but even the members of this service would not contend that it adequately represents more than a relatively small part of a complete bureau or department of health such as the Federal Government should possess. In other departments, particularly in the Department of Agriculture, are other bureaus or divisions more or less concerned with public health, the most important being that for the control of the purity of foods and drugs entering into interstate commerce. While I question the necessity or propriety of bringing into a single department all that pertains to medicine or hygiene outside of the army and navy to the extent contemplated in Senator Owen's bill, undoubtedly there is need of greater concentration and coordination of existing public-health agencies of the Government.

I consider that the main practical question involved in this whole matter of a department of health is whether there should be created a new department, of which the present Public Health and Marine-Hospital Service should be a part, or whether the wiser course is to strengthen and expand this service and endeavor to make out of it all that the country needs in the way of a bureau or department of health. This service is well adapted for certain functions of a public-health bureau, and it should be maintained and strengthened; but I confess that without radical changes in the plan of its organization it does not seem to me adapted for expansion into a full department of health, or even a complete bureau of health. Its organization is of a semimilitary character, and is based on the corps system. According to the present plan, the head of the service, with the title of Surgeon-General, as well as the heads of the divisions, including the laboratory, must come from the corps. This means such a narrow restriction in the choice of men, who should be trained sanitarians, for these important positions that this objection seems to me a most serious if not a fatal one to the idea that under its present plan of organization the Public Health and Marine-Hospital Service can be expanded into a public-health bureau or department which will be satisfactory to the country. The organization of such a bureau or department should be such that the best available sanitary experts in the country can be attached to it, whether these are found within the service or outside of it.

**STATEMENT OF DR. FRANKLIN C. WELLS, MEDICAL DIRECTOR,  
EQUITABLE LIFE INSURANCE COMPANY OF NEW YORK.**

Doctor WELLS. Mr. Chairman, I only have a word and shall take but a moment of your time, and that simply to inform your honorable committee that this question of health, the conservation of health, throughout this country and, in fact, throughout the world is one that is very deeply interesting to the medical profession who have in charge the life-insurance business, that is, the medical departments of these great companies.

I have just returned from a long trip through the West, visiting most of the cities in the West, from San Diego to Seattle, and I have



been surprised at the very great amount of interest shown in this matter among our medical men—and I represent some 25,000 examiners who are intrusted with examining and selecting risks for life insurance. I will state in just a word that there has been a very great improvement in the last five, ten, or twenty years in the mortality of our life-insurance companies. Mortality is a sensitive thing. It is something that is peculiar to the life-insurance business, and represents a great deal. An improvement in mortality with a life-insurance company does not mean an increase in efficiency, by any means, on the part of the local board of health, a municipal board of health, or a state board of health. It may mean a good deal, too. There are certain things affecting people and public health that will tell very quickly on the mortality that these state and municipal boards of health have nothing whatever to do with.

One reason why I think mortality is improving in our companies to-day is that the selection is improving; the standard, I think, is improving. Our local colleges have raised the standard. We are getting a better class of examiners to-day to select our risks than we have ever had before. We understand better the effect of certain individual diseases, like kidney disease.

Senator BRISTOW. Doctor, may I interrupt you by asking you what you would recommend specifically that the Government should do? Now, all of these things we are very proud of; the life insurance companies are doing great work. But what is that you want us to do?

Doctor WELLS. We are speaking now, very largely, you might say, from a selfish standpoint, yet our interests are one. What affects the life insurance company affects the policy holders, and vice versa. We want people to live and they want to. Now, how are we going to do it? As to the details of this bill, I am not free to speak. In certain States of this country we have great difficulty in obtaining information regarding sanitation, regarding epidemics, regarding the longevity of people. I believe that a centralization of this great power, of district or state boards of health, having the relation of assistance to them, supervising and with respect to advice, etc., would be a great step in advance. I believe in that respect that it would be a very great assistance in improving the longevity through increased sanitary measures throughout the different States. That is about all I can say on that point.

#### STATEMENT OF HIRAM J. MESSENGER, ACTUARY OF THE TRAVELLER'S INSURANCE COMPANY.

The CHAIRMAN. Please state your name and official position.

Mr. MESSENGER. My name is Hiram J. Messenger; I am actuary of the Traveller's Insurance Company, member of the committee of one hundred, and a member of a committee of actuaries as a consulting committee for the Director of the Census in regard to the census just about to be taken.

Senator CRAWFORD. Please state just what the committee of one hundred is that you referred to.

Mr. MESSENGER. The committee of one hundred is a committee that was appointed by the American Medical Association for the advance-

ment of science, probably the leading scientific organization in the country. It is a committee of one hundred on national health to do all they can do to see that action is taken by the National Government, by the state governments, by the municipalities, and by private organizations to care for the health of the nation.

I have prepared a general paper, but the time is so short, and as you have been asking for something definite as to what should be done, I will just revise this paper and hand it in to be included in the record, and then do what I can to definitely and specifically answer your questions.

First, as to two or three points, to show the necessity of certain things that you can definitely do. Senator Smoot has said, "I should think it would be very easy to get a correct registration of births and deaths and the causes of deaths." Let me give you some of my experiences in making up the experiences of the Traveller's Insurance Company covering a period of ten years, from 1897 to 1907, as to causes of death. I found that in the States south of the Potomac and Ohio there were twice as many deaths from inflammation of the bowels as from appendicitis, and in the States north of the Potomac and Ohio, twice as many deaths from appendicitis as from inflammation of the bowels.

Senator BRISTOW. What is the value of such statistics?

Senator SMOOT. How is that going to be regulated?

Senator BRISTOW. How are going to tell? I suppose those deaths are reported by the physicians and the causes assigned by the physicians. How can the Government change that condition? How can it get the information?

Mr. MESSENGER. That is just what I am coming to, Senator. But to give you another illustration. The Director of the Census referred to the consulting committee of actuaries some questions as to whether or not certain statistics should be made up in regard to the cause of death and matters of that kind in certain localities, and in some localities that committee unanimously decided not to ask for those statistics because they would be so misleading. The fact is that while we have certain laws for registration of births and deaths and the causes of deaths in all the States, there is a great lack of uniformity, and there is a great lack of proper enforcement of those laws. Now, here is right where the United States Government ought to come in. If the United States Government establishes a department of health—not simply a bureau, or eight or ten bureaus scattered throughout the city, each one of which would not know exactly what its authority was, not having a general plan or a general head—if the United States establishes a department and has a proper head, and gives it the proper power, that department can prepare model laws in regard to registration of deaths and births; and from all those facts of a statistical nature of value you can prepare model sanitary regulations, and you can use the information, and that information will be reliable, provided we have a department which will see that similar laws are enacted throughout the States—uniform laws, uniform methods, and uniformly enforced.

Senator BRISTOW. That would be educational, but you could not enforce it.

Mr. MESSENGER. You could not enforce it; but I know very well, as an instance of the same nature, that about two years ago I was

down here at a hearing for life insurance legislation, to have the District of Columbia pass an insurance law, and there was a very general feeling that if the District of Columbia did pass an insurance law as a model law that it would be generally adopted by nearly all of the States instead of having it, as we have now, several States with laws so entirely different from the insurance laws as to make the condition almost chaotic.

Senator CRAWFORD. At the foundation of all this—and your statement is very interesting—is the importance of getting correct and reliable information as the basis.

Mr. MESSENGER. That is one thing.

Senator CRAWFORD. That is one of the most important things, is it not?

Mr. MESSENGER. One of the most important things; yes, sir.

Senator CRAWFORD. And its proper dissemination?

Mr. MESSENGER. Yes, sir.

Senator BRISTOW. That is educational. There is one statement that you made, Doctor, that I would like you to explain, and that is the different causes assigned for deaths. How can the Government interfere with it in any way? The physician who attends the patient who dies gives the reason of the death. How do you expect the Government to change any statistics of that kind or alter any that might be furnished by the localities in the State?

Mr. MESSENGER. In this way: The Government can first adopt a method of classification of causes of disease. If that is done by a bureau, it will not amount to much.

Senator BRISTOW. Why?

Mr. MESSENGER. Because the States do not have much respect for a single bureau.

Senator BRISTOW. I hardly agree with you there. That is a very strange statement to make.

Mr. MESSENGER. I am simply speaking comparatively.

Senator OWEN. The time is so short, Mr. Chairman—

Mr. MESSENGER. Have I any more time?

Senator BOURNE. You will file your statement with the committee?

Mr. MESSENGER. Yes, sir.

Senator OWEN. I will ask that the full paper prepared by Mr. Messenger be filed, but the time is so short and there are so many who desire to be heard that we will have to limit Mr. Messenger.

Mr. MESSENGER. Could I read just one-half of a page here?

The CHAIRMAN. Very well.

Mr. MESSENGER. According to the report of the Secretary of the Treasury, the total disbursement of the United States Government for the year 1909 was just about \$800,000,000. Of this, the army cost \$161,000,000, the navy \$116,000,000, pensions \$162,000,000, public debt and interest on public debt \$125,000,000, making a total of about \$560,000,000, or 70 per cent of the total disbursement of the Government for wars—wars that have passed and the fear of war to come. On the other hand, the total expenses of the United States Government, directly and indirectly, for caring for the health of the nation is less than 3 per cent, and the total expenses or disbursement of the United States Government, directly, for protecting the health of the people is less than 1 per cent, and just about one-half the cost of the new battle ship *Florida*.



Senator BRISTOW. Mr. Chairman, I would like to ask if the doctor has collected any statistics as to the proportion of the amount of expenses that the Government is paying for education?

Mr. MESSENGER. I have not.

Senator BRISTOW. That demonstrates that the Government has not undertaken to control the sanitary condition in the States any more than it has the education of children in the States—that is your statistics?

Mr. MESSENGER. It demonstrates that the American people do not really appreciate what is important.

Senator BRISTOW. It means that the Federal Government has not invaded the States in sanitary matters, it seems to me.

Mr. MESSENGER. We do not want them to invade the States in the way of coming in conflict with the state authority.

Senator BRISTOW. I think your statistics are utterly misleading. That is the reason I called attention to the matter. I think they are an unjustifiable criticism of the American people.

PAPER ON THE OWEN BILL ESTABLISHING A DEPARTMENT OF PUBLIC HEALTH, BY  
HIRAM J. MESSENGER, MEMBER OF COMMITTEE OF ONE HUNDRED.

THE TRAVELLER'S INSURANCE COMPANY,  
*Hartford, Conn., May 2, 1910.*

TO THE SENATE COMMITTEE ON PUBLIC HEALTH :

There has never been a time in modern history when the supremacy of the white man has been in greater peril than to-day, and if that supremacy is to be maintained it is absolutely necessary without delay to take such measures as shall make sure that our descendants are a strong, vigorous, and healthy race.

It is astonishing how little attention, until quite recently, has been paid to the health of the nation either by the Government or by the people in general. We think our country is the greatest on the face of the globe; we are in the habit of boasting of our immense fields of grain and cotton, our mines of coal, iron, silver, and gold, our steel plants, our 230,000 miles of railroads, our great cities with the tallest buildings in the world, our printing presses, our universities, and most anything else that money, genius, and energy will produce; but I never in my life heard an American boast that we had the lowest death rate of any country or the least amount of sickness; and yet, next to character, what is of greater value to any nation than health? Nothing will better insure the nation's future than physical vigor; nothing will quicker end the life of the nation than physical degeneration. President Roosevelt, in his lecture before the French Academy, said in substance (I do not quote his exact words), "Fecundity is a blessing and sterility a curse." Words of wisdom provided the offspring are healthy—words of foolishness if the offspring are weak, unhealthy, and diseased.

According to the report of the Secretary of the Treasury, the total disbursements (not including postal service) of the United States Government for the year 1909 were just about \$800,000,000. Of this amount the total civil establishment, including legislative, approximately \$18,000,000; executive, \$500,000; departments of State, Navy, etc., \$158,000,000; and District of Columbia, \$15,000,000—takes \$187,000,000, or 23.3 per cent; \$161,000,000, or 20.1 per cent of the total disbursements, went for the army; \$116,000,000, or 14.3 per cent, went for the navy; \$162,000,000, or 20.2 per cent, went for pensions. These last three items (the army, the navy, and pensions) make a total of \$439,000,000, or 54.6 per cent. The Indian Service calls for \$16,000,000, or 2 per cent; interest on public debt, \$22,000,000, or 2.7 per cent; Panama Canal, \$31,000,000, or 3.9 per cent; and public debt \$105,000,000, or 13 per cent. The total disbursements having anything to do with the nation's health, both directly and indirectly, were about \$23,000,000, or a little less than 3 per cent, while the disbursements of the Government made directly for protecting the health of the people in the year 1909 were only \$8,295,321.27, and of this amount \$1,538,552.95 was for sanitary work

at the Panama Canal and \$1,936,893.05 was disbursed by the military establishment for water and sewage for army posts. Omitting these last two items there remains only \$4,819,875.27—just a little over one-half of 1 per cent.

I do not give these figures as the basis for an attack upon the army and navy. I am one of those who believe that the time will eventually come when the leading nations of the world will combine and require those questions which in the past have led to war to be submitted to arbitration, and compel the nations interested to abide by the decision of the court; but until that time does come an army and a navy seem to be a necessity of our present civilization, and if we must have an army and a navy it is important that they should be efficient, and the figures just submitted form the basis for an argument in favor of a more efficient army and navy. It is impossible to have an efficient army without efficient men, and it is impossible to have efficient men without taking proper care of the nation's health. It is a well-known fact of history that in case of war the number of men who die of disease is very much greater than the number killed in battle, and if the experience of the Japanese in the Russian-Japanese war was in any way an exception to this rule it was due to their superior sanitary regulations and their great care for the health of the troops. A recent article in the *Popular Science Monthly* states that both Germany and England are finding increasing difficulty in maintaining the physical standard of the army, and that in each country there is considerable evidence, judging from the physical condition of candidates for the army, that the race is physically deteriorating. Here, in this country, it is well known how difficult it is to obtain army and navy recruits that come up to the standard, and how large a percentage of applicants are declined on account of inability to pass the physical examination.

As I have stated, the total expenditures of the Government for the direct protection of the health of the people in this country in 1909 were only a little over one-half of 1 per cent of the total disbursements; but this small amount, ridiculously small when compared with the amounts spent for other purposes, is not the really serious side of the situation. The really serious and most regrettable side of the question is that the money which is spent is expended under such conditions as to accomplish only a small fraction of the good which might be done even with so small an expenditure.

The small amount disbursed by the Government for sanitation to check the spread of disease and protect the health of the people is expended through several bureaus in different departments—no one of these bureaus having the necessary power or authority for properly dealing with the subject, no one of these bureaus knowing what are its rights, power, and duties, with frequent conflict of interests and authority, with more or less duplication of work, and more or less working at cross purposes with no general head and no general plan. This is not the fault of the men engaged in the work, neither is it the special fault of any particular one of these bureaus. It is the natural result of the system—or possibly it would be more correct to say the lack of system. It is most unfortunate that there should be such a state of affairs, particularly in a matter where so many good results could be obtained and where the results of improvement are so lasting. Particularly is this situation most unfortunate because the work to be done is of such a nature that the individual is to a large extent helpless. Whatever is done must be done by the Government.

The improvement in the physical condition of the race, the lowering of the mortality rate, the decrease in the amount of sickness, means an immense saving of human efficiency, a saving which goes on at a constantly accelerating rate from generation to generation. Records of the mortality rate and the rate of sickness in this country during the past fifty years show conclusively that there has been a very great decrease in the mortality rate—this improvement being greatest at the younger ages, and the gain decreasing until it practically stops at age 50. Similarly, the records in regard to the rate of sickness show a very great decrease at the younger ages, particularly in regard to infectious and contagious diseases, while the records in regard to the cause of death show conclusively that there has been a very great decrease in the relative number of deaths from infectious and contagious diseases. All of these facts taken together are the basis for an argument proving conclusively that as the result of gradually increasing improvement in sanitary conditions there has been a very material decrease in the rate of mortality and a very material decrease in the rate of sickness; and the fact that so much improvement has been brought about by the little that has been done up to the present time is simply the strongest argument that can be presented that a much greater improvement is



possible and that the necessary steps should be taken to bring about that improvement without delay.

I have said that this work must be done by the Government. This is a case where the individual is almost helpless. Individually you may take the best possible care of yourself, but with the greatest precautions you are liable to be exposed to yellow fever, to cholera, to tuberculosis, to smallpox, to typhoid fever, to diphtheria, or to some other one of the many germ diseases, and the only scientific, effective way to deal with the question is to stamp out the germs by proper sanitary methods, and this can be done only by the Government. In order to have this work properly done it must not only be done by the Government, but, to a very large extent, it must be done by the United States Government. To be done effectively there must be a plan, there must be systematic work, there must be uniform methods—and the only way to bring about such a result is by the influence and the active aid of the United States Government. At present we have 46 different States with 46 sets of laws, varying more or less in their character and varying still more in the way in which they are enforced. A very essential part of this work is the gathering of correct statistics. This is a very difficult task under the most favorable conditions, but with lack of uniform laws and with the laws more or less disregarded in regard to registrations of births and deaths and cause of death it is with regret that we have to admit that statistics of this kind in this country in the past have not been very reliable. As it is now, each locality and each individual city is desirous of making as favorable a showing as possible, and consequently the population is frequently overestimated, deaths are not always reported, and there is not the least doubt that in many localities the reports are more or less doctored up in order that the claims of each city and each locality being the healthiest in the whole country may be maintained.

I am well aware of the fact that the United States Government can not take the place of the state and municipal authority in regard to health regulations; but it is not proposed that the United States Government should supersede the States or the cities in the work of the various health departments. There is plenty of work that the United States Government can do within its constitutional powers, provided a department is established with the proper authority and the proper support. The successful establishment of a Department of Agriculture meets practically all of the constitutional objections. It can do more than all the 46 States acting in their individual capacity in bringing about uniform sanitary laws throughout the whole country, and it can exert a most beneficial influence in establishing a public opinion demanding the enforcement of those laws, and it can be of the greatest possible use in establishing uniformity of methods in the keeping of all statistics.

Quite a number of Senators and Representatives have written to me that they are in full sympathy with the general idea of the proposition, but the establishment of a department upon the scale asked for would necessarily mean considerable expense which the present situation does not justify. A careful study of the disbursements of the Government for 1909, as briefly summarized in the first part of this paper, showing how little the United States Government expends in protecting the health of its people and what immense sums it spends for other purposes of much less importance is a complete answer to this objection.

Furthermore, the Owen bill does not contemplate any material initial increase in the Government expenses. The primary idea of the bill is simply to concentrate all the scattered bureaus under one directing head, and the question of any material increase in expenses is left to the future discretion of the Government; but whatever outlay the Government does decide to make along these lines will be the best investment it ever made, because it represents prevention instead of cure. This country to-day is spending hundreds of millions of dollars every year for hospitals and asylums to take care of the incurables. Such work is greatly to the credit of our hearts, but not so much to the credit of our heads. Humanity requires that the incurables shall be cared for; but as to the future our energy should be devoted very largely toward prevention rather than cure. At the present time this country is spending over \$10 for cure to every dollar which it spends for prevention, notwithstanding the fact that a dollar spent for prevention will accomplish much more good than \$10 spent for cure. The man who gives his millions for a hospital is engaged



in a most noble work, but the aim of the future should be, as far as possible, to do away with the need of hospitals. The establishment of a properly authorized, well supported department of health would do much toward bringing about such a result. There is no more important question before Congress, and neither Congress nor the people appreciate the possibilities in this work. It would hardly be reasonable to expect Congress or the people in general to fully appreciate what can be accomplished along these lines, because sanitary science is comparatively new, and on account of its technical nature is not fully understood or appreciated by the general public.

Having considered the general features of the subject, we come now to a more definite consideration of the nature of the organization and the work to be done under the proposed bill. The work should be carried on through a department divided into several bureaus:

First. The head of the department should be the ablest sanitary engineer in the country. Primarily he should be a sanitary engineer, not a medical man. In fact, it is not necessary for him to be a medical man at all. The work of the department will be nine-tenths prevention and consequently the question of medicine will play a decidedly secondary part. This will eliminate the embarrassing question of medical schools.

Second. There should be a bureau of sanitary engineering, properly equipped to do general sanitary work throughout the country wherever needed, independently and in conjunction with state and municipal health authorities.

Third. There should be a biological bureau with a thoroughly equipped, up-to-date bacteriological laboratory making investigations in regard to the cause and cure of the various germ diseases, especially tuberculosis, cancer, pneumonia, typhoid fever, leprosy, venereal diseases, the bubonic plague, diphtheria, and the hook-worm disease. Investigations in such a laboratory which should result in important discoveries leading to the effectual stamping out of typhoid fever and pneumonia would result in a decrease of the mortality rate and the rate of sickness and make a return on the amount of money expended almost beyond calculation; and it is not beyond reason to expect from a bureau properly equipped for this kind of work that probably within twenty years, and possibly within ten years, two or three of these most dreaded diseases might be practically eliminated.

Fourth. There should be a bureau of chemistry.

Fifth. There should be a bureau of statistics, to gather all possible information in regard to the death rate, the rate of sickness, the cause of death, and cause of sickness, so that we may know just what the situation is and just what results are being obtained; and this bureau should adopt standard methods for gathering the original data and standard methods for putting together in the most available form all of this information, and should use all of its influence to see that standard methods thus adopted are extended throughout all the States and made a part of a uniform system, because the whole value of statistical information is based upon comparisons, and comparisons are of no value unless a uniform method is used in making up the various tables.

Sixth. There should be a bureau of education, to extend throughout the country to all its inhabitants the most complete, practical information possible which shall enable the people to guard themselves against contracting contagious and infectious diseases and enable them to take the proper course to cure themselves in case they have contracted any such diseases. It should also be a part of the bureau of education to prepare model laws bearing upon all questions that properly concern the department and use every effort to have these model laws of uniform nature enacted throughout the various States and municipalities of the country.

Although only those who have made a special study of this question fully realize its importance and its possibilities, yet the whole people are waking up to the situation and are demanding that effective action shall be taken. The establishment of a full department, as outlined above, will have the hearty support and the deep respect of the municipalities, the States, and the American people, and definite action ought to be taken by the adoption of a comprehensive plan without delay.

H. J. MESSENGER,

*Member of Committee of One Hundred,  
Actuary of the Traveller's Insurance Company.*

*Disbursements of the United States Government for year 1909, according to the report of the Secretary of the Treasury.*

|   |                      |
|---|----------------------|
| Civil establishment:                            |                      |
| Legislative -----                               | \$13, 745, 064. 12   |
| Executive -----                                 | 444, 107. 21         |
| Departments (State, Treasury, Navy, etc.) ----- | 157, 536, 436. 39    |
| District of Columbia -----                      | 14, 776, 541. 75     |
| Total civil establishment -----                 | 186, 502, 149. 47    |
| Military establishment -----                    | 161, 067, 462. 39    |
| Naval establishment -----                       | 115, 546, 011. 09    |
| Indian service -----                            | 15, 694, 618. 11     |
| Postal service -----                            | 203, 562, 383. 07    |
| Miscellaneous disbursements:                    |                      |
| Pensions -----                                  | 161, 710, 367. 25    |
| Interest on public debts -----                  | 21, 803, 836. 46     |
| Panama Canal -----                              | 31, 419, 442. 41     |
| Public debt -----                               | 104, 996, 770. 00    |
| Total miscellaneous disbursements -----         | 319, 930, 416. 12    |
| Grand total -----                               | 1, 002, 303, 040. 25 |

*Disbursements of the United States Government for year 1909, according to the report of the Secretary and Treasurer, where the disbursements have any connection with health.*

|   |                   |
|---|-------------------|
| Civil establishment:                            |                   |
| Departments (State, etc.) -----                 | \$8, 788, 542. 42 |
| District of Columbia -----                      | 1, 361, 619. 23   |
| Total civil establishment -----                 | 10, 150, 161. 65  |
| Military establishment -----                    | 9, 630, 892. 90   |
| Naval establishment -----                       | 1, 969, 781. 21   |
| Indian service -----                            | 71, 094. 76       |
| Miscellaneous disbursements, Panama Canal ----- | 1, 538, 552. 95   |
| Grand total -----                               | 23, 360, 483. 47  |

*Disbursements of the United States Government for year 1909, according to the report of the Secretary and Treasurer, where the disbursements deal with the prevention of ill health.*

|   |                              |
|---|------------------------------|
| Civil establishment:                            |                              |
| Departments (State, etc.) -----                 | \$4, 165, 236. 92            |
| District of Columbia -----                      | <sup>a</sup> 647, 129. 23    |
| Military establishment -----                    | <sup>b</sup> 1, 936, 893. 05 |
| Naval establishment -----                       | 6, 215. 27                   |
| Indian service -----                            | 1, 293. 85                   |
| Miscellaneous disbursements, Panama Canal ----- | 1, 538, 552. 95              |
| Total -----                                     | 8, 295, 321. 27              |

<sup>a</sup> Contains \$56,122.09 spent on water and sewage.

<sup>b</sup> Entire amount spent for water and sewage for army posts.

*Death rates at each age.*

[From the registration districts, United States Census, 1890 to 1900.]

| Age.                   | Death rate. |       | Decrease or increase in death rate. |           |
|------------------------|-------------|-------|-------------------------------------|-----------|
|                        | 1900.       | 1890. | Decrease.                           | Increase. |
| Under 1 year.....      | 165.4       | 205.8 | 40.4                                | -----     |
| 1 year.....            | 46.6        | 84.9  | 38.3                                | -----     |
| 2 years.....           | 20.5        | 23.8  | 3.3                                 | -----     |
| 3 years.....           | 13.2        | 16.8  | 3.6                                 | -----     |
| 4 years.....           | 9.4         | 13.0  | 3.6                                 | -----     |
| Under 5 years.....     | 52.1        | 66.8  | 14.7                                | -----     |
| 5 to 9 years.....      | 5.2         | 7.3   | 2.1                                 | -----     |
| 10 to 14 years.....    | 3.3         | 3.8   | .5                                  | -----     |
| 15 to 19 years.....    | 5.2         | 6.0   | .8                                  | -----     |
| 20 to 24 years.....    | 7.5         | 8.4   | .9                                  | -----     |
| 25 to 29 years.....    | 8.6         | 9.9   | 1.3                                 | -----     |
| 30 to 34 years.....    | 9.4         | 10.6  | 1.2                                 | -----     |
| 35 to 39 years.....    | 11.0        | 12.5  | 1.5                                 | -----     |
| 40 to 44 years.....    | 12.2        | 13.5  | 1.3                                 | -----     |
| 45 to 49 years.....    | 15.2        | 16.5  | 1.3                                 | -----     |
| 50 to 54 years.....    | 19.1        | 19.2  | .1                                  | -----     |
| 55 to 59 years.....    | 26.3        | 26.5  | .2                                  | -----     |
| 60 to 64 years.....    | 35.1        | 32.8  | -----                               | 2.3       |
| 65 to 69 years.....    | 52.2        | 49.0  | -----                               | 3.2       |
| 70 to 74 years.....    | 75.2        | 64.5  | -----                               | 10.7      |
| 75 to 79 years.....    | 110.5       | 103.2 | -----                               | 7.3       |
| 80 to 84 years.....    | 165.8       | 144.6 | -----                               | 21.2      |
| 85 to 89 years.....    | 241.3       | 215.5 | -----                               | 25.8      |
| 90 to 94 years.....    | 339.2       | 260.0 | -----                               | 79.2      |
| 95 years and over..... | 418.9       | 347.1 | -----                               | 71.8      |

TABLE A.

*General death rate of American cities, 1871-1904—Northern and western cities.*

[From an article by Frederick L. Hoffman, statistician of the Prudential Insurance Company, in vol. 10 in the publications of the American Statistical Association.]

| Years.    | Number of cities. | Population. | Deaths. | Rate per 1,000 of population. |
|-----------|-------------------|-------------|---------|-------------------------------|
| 1871..... | 16                | 3,800,239   | 90,122  | 23.7                          |
| 1872..... | 16                | 3,922,805   | 112,731 | 28.7                          |
| 1873..... | 18                | 4,261,427   | 109,316 | 25.7                          |
| 1874..... | 19                | 4,430,486   | 104,845 | 23.7                          |
| 1875..... | 19                | 4,579,895   | 113,118 | 24.7                          |
| 1876..... | 19                | 4,714,563   | 112,929 | 24.0                          |
| 1877..... | 20                | 4,939,118   | 104,218 | 21.1                          |
| 1878..... | 21                | 5,232,406   | 105,695 | 20.2                          |
| 1879..... | 24                | 5,566,249   | 112,844 | 20.3                          |
| 1880..... | 24                | 5,735,326   | 126,141 | 22.0                          |
| 1881..... | 24                | 5,934,628   | 147,768 | 24.9                          |
| 1882..... | 24                | 6,143,634   | 151,135 | 24.6                          |
| 1883..... | 25                | 6,491,860   | 144,379 | 22.2                          |
| 1884..... | 26                | 6,805,848   | 148,874 | 21.9                          |
| 1885..... | 26                | 6,990,669   | 150,725 | 21.6                          |
| 1886..... | 27                | 7,415,416   | 158,343 | 21.4                          |
| 1887..... | 28                | 7,789,690   | 173,912 | 22.3                          |
| 1888..... | 28                | 8,112,079   | 178,610 | 22.0                          |
| 1889..... | 27                | 8,252,807   | 172,676 | 20.9                          |
| 1890..... | 31                | 9,121,273   | 196,076 | 21.5                          |
| 1891..... | 32                | 9,511,230   | 241,631 | 25.4                          |
| 1892..... | 32                | 9,790,201   | 217,210 | 22.2                          |
| 1893..... | 31                | 9,849,232   | 213,139 | 21.6                          |
| 1894..... | 30                | 10,072,401  | 199,493 | 19.8                          |
| 1895..... | 31                | 10,612,875  | 208,981 | 19.7                          |
| 1896..... | 31                | 10,922,957  | 205,933 | 18.9                          |
| 1897..... | 31                | 11,243,453  | 197,272 | 17.5                          |
| 1898..... | 31                | 11,574,782  | 200,851 | 17.4                          |
| 1899..... | 32                | 12,002,756  | 212,010 | 17.7                          |
| 1900..... | 33                | 12,476,966  | 220,989 | 17.7                          |
| 1901..... | 33                | 12,855,539  | 221,981 | 17.3                          |
| 1902..... | 33                | 13,247,099  | 221,246 | 16.7                          |
| 1903..... | 33                | 13,652,076  | 220,771 | 16.2                          |
| 1904..... | 33                | 14,071,828  | 241,437 | 17.2                          |



Senator OWEN. Mr. Chairman, I would like to introduce Professor Fisher, professor of political economy at Yale University, and president of the Committee of One Hundred for the preservation of the national health.

**STATEMENT OF PROF. IRVING FISHER, PROFESSOR OF POLITICAL ECONOMY, YALE UNIVERSITY.**

Professor FISHER. Mr. Chairman, and gentlemen. I confess I was very much surprised to hear the chairman say that the importance of this subject is appreciated in Congress. I am willing to believe that that may be true of this committee appointed to consider the subject, but so far as information has reached our committee in regard to the attitude of Congress, it is contrary to that conclusion.

Of course, everyone realizes that health is an important matter. We are all agreed on that, but I do not think that Congressmen, as a rule, appreciate the extent to which human life may be prolonged in this country. My reason for thinking that is not only from the information that has come to our committee through individual letters from Congressmen and from other outside information, but from the questions that were put to Senator Owen when he made his speech. One of the Senators stated that when he last looked at the statistics the average duration of life in this country was thirty years. We have never had any statistics for the average duration of life in this country, but we had ten or twenty years ago some fairly good statistics from Massachusetts. The Senator undertook to say that the claim that human life might be prolonged fifteen years was a dream; that would make, as he says, forty-five. But that is already the average duration of life in Massachusetts, and recent statistics in Maryland indicate that the average duration of life there is still greater. The conclusions of the report of our committee to the conservation commission, which has since been presented to Congress as a Senate document, were that the average duration of life in this country could be prolonged fifteen years. I think that he is the only man of prominence, and whose opinion would count in this country, who has questioned the report of that committee. That committee made its report with the utmost conservatism. My own part of it was purely that of statistician and collector of results of research of other men. Some sixteen experts in vital statistics and medicine and pathology were consulted with regard to the preventability of diseases. Then, added to the data regarding the vital statistics from Massachusetts, and from Mr. Wilbur, of the Census, the fragmentary statistics such as we have, on the basis of this, it was estimated how much human life could be prolonged, and I do not think any man who has read that report has been unconvinced, and the Senator who made this objection, I am sure, would have been convinced had he read the report.

Now, the prolongation of life for fifteen years is a very material matter and it means a great deal to the country; first, sentimentally, and sentimentally is the most important; and, secondarily, economically, which it is my province to study. Economically, the saving in dollars and cents of the earning power to this country would ex-

ceed one and a half billions of dollars a year. I had intended to go into the details with regard to this matter, but—

Senator OWEN. That would be cumulative, would it not, one year after another?

Professor FISHER. It would gradually accumulate; yes, sir. I do not mean that we could prolong life—that the Federal Government or all the agencies put together could prolong human life for fifteen years—but I believe it could be done in twenty years very easily, and in less than that time in all probability. I base this conclusion on the result of what has already occurred. We find that the average duration of life is not a constant quantity. It has been supposed, and insurance men used to suppose, that human life was a fixed quantity. As Mr. Cox says, when the insurance companies first began to get statistics on the duration of human life it was regarded as an interference with divine law, but now we do not put a theological interpretation on deaths. We recognize that they are due to microbes, and that they are preventable. The average duration of life is stationary only where medical knowledge is stationary. In India the average duration of life is less than twenty-five years; in Sweden it is over fifty years, and in other countries it is between those. There is a range of 50 per cent, depending on the sanitary conditions of the country. Moreover, in India the average duration of life has remained stationary for the last twenty years, and in Germany it is increasing at the rate of twenty-seven years a century. That is the present rate; and in Europe it has doubled in three and a half centuries. During the sixteenth and seventeenth centuries it increased at the rate of four; during the next century, nine, and during the last part of the nineteenth century at the rate of fourteen.

Senator CRAWFORD. How did you get reliable statistics for those remote periods?

Professor FISHER. From the statistics of Geneva. There is only one city that gives statistics back as far as I have indicated, some of the statistics collected by Finkelnberg, of Bon, with respect to some German state, go back half way to the date at which I began. All this data is contained in this report on national vitality to which I referred.

There are two facts which stand out prominently; first, that human life can be lengthened by hygiene, and that hygiene is a modern institution; secondly, that the prolongation of life possible through hygiene, is very great, and this really explains why it is that the countries, not only America, but the states and countries of Europe and all through the world, are doing what they can to prolong life. This country is behind the times. When we are asked what can be done, we answer by what has been done by such laboratories as Koch in Germany and the Pasteur Institute in France.

Senator BRISTOW. Professor, you would suggest that the Government establish this bureau, or board of health, and then establish similar institutions to these laboratories which you speak of for the purpose of investigating diseases, etc.

Professor FISHER. No, sir; but we would enlarge the present hygienic laboratory. We have a hygienic laboratory now in the Public Health and Marine-Hospital Service which has done excellent work. It is a new laboratory, and a small laboratory. It is not yet comparable with the Rockefeller laboratory, but ought to be the largest

laboratory in the world, and what it has already turned out is worth a thousand times over the cost that Congress has devoted to it.

One of the bills that our committee advocated at the last session of Congress was an appropriation to improve that laboratory. In that connection I would say, with reference to what Senator Smoot mentioned, that there is no idea of duplication, but, on the contrary, of preventing duplication that now exists. In so far as the position of this laboratory and the whole Public Health and Marine-Hospital Service is concerned, we would not be in rivalry with the new institution which you create, but a part of it, and that suggestion is contained in the bill of Senator Owen.

Now, we speak of the powers of the Federal Government and the functions of the Federal Government. First, in regard to the functions I would like to say a word. In the theory of political science, certainly the original function of any government is self-protection, and that was the function that gave the Government the powers which have been gradually divided up into legislative, executive, judicial, and police powers, etc., for the sake of maintaining order inside and of fighting the foe outside. Afterwards it was found that the dangers to the individual and the nation were not simply those of foreign foes. There are dangers from fires, and there were dangers from various other enemies of human life and of human property, and finally came disease, and disease could not come until we knew how to fight it. When governments were started there were only incantations, by which we tried to ward off disease, and, naturally, there was no department of health. There could not be any efficient department of health in any government until within the last generation, because this knowledge generally in regard to fighting disease is extremely new. It is only within this generation that the microbic character of disease has been discovered, and only in the latter part of this generation that the efficient methods of fighting those diseases have been discovered, and I venture to predict that one hundred years from now the most important function of the leading governments of the world will be to fight disease, because the real enemy of man is the microbe, and not the foreigner. If you take the statistics of death, it will be found that every year in this country as many people die from preventable tuberculosis as were killed during the civil war. You will find that going through the whole list of 90 diseases, taking out those that were preventable to the extent which they are preventable—that is, the deaths from them postponable—we find that over 90 per cent, practically 99 per cent, of the deaths of man are due to disease. It is therefore an appropriate function of an institution like a government, existing for the sake of self-protection, that we should fight disease.

Now, as to the distribution of the power. There are the powers of the Federal Government; the powers of the state government; the powers of municipalities. If you take the statistics of expenditures for health in these various decades you will find that one hundred years ago there was scarcely a cent spent by any of those agencies for the protection of human life, but that it shot up like lightning, and especially during the past few years. It is going ahead in the Federal Government, in the Public Health and Marine-Hospital Service, as compared with the original Old Sailors' Home, including as it



now does, the quarantine service and the inspection of immigrants, we find an enormous expansion of activity.

Now, what can the Federal Government do? I notice that many of you members of the committee seem to feel that we are going to ask for an encroachment on state authority. It seems to me a sufficient answer to that is that you have here at the present time in this city a conference of the state boards of health and they have enthusiastically adopted a resolution favoring this Owen bill. They want it. They do not want to be encroached upon, and our committee, and I myself individually, would not want the Federal Government to encroach upon and diminish the activities of the health board in New Haven County, Conn. The activities are not, however, what they should be now, and if you are going to take away from them I would be the one to oppose it more than anyone else.

Senator SMOOT. Professor, of course this is a statement made here as to your belief and your thought, but you must remember that we have got to secure a majority of votes in the Senate.

Professor FISHER. I do not think you will have any trouble about that.

Senator SMOOT. And you must remember that before we can do this we have got to prove to them that it is not an encroachment upon the State. Now, the mere statement that there is a delegation of men meeting in Washington and petitioning for it will never answer the question in the world. Therefore I just call that matter to your attention, because I would like very much to find out from you—I know you have studied this question a great deal, perhaps more than any man in the United States, because I have been in conventions where you have been and have heard you speak on this subject a good many times—and anything by way of argument that can be given we would be delighted to hear. but a mere statement that you believe in it is not sufficient.

Senator CRAWFORD. In other words, indicate the particular lines along which the Federal Government can act in this matter and not encroach upon the functions of the State.

Professor FISHER. In three ways; first, by regulation, as in the administration of the pure-food law, the administration of the law regarding the inspection of meats—

Senator SMOOT. That only comes under interstate business, Professor; that is a substance that you handle. You can see a package of meat and you can handle it. There is a value there.

Professor FISHER. But I did not understand your question was limited to interstate, but that you wanted to know what could be done by the Federal Government.

Senator SMOOT. No; interstate.

Senator CRAWFORD. My question was. What lines can the Federal Government follow in this matter and not encroach upon the State? It may be under some clause in the Constitution, whether it is interstate commerce or any other clause; but what line can the federal authority follow without trespassing upon the State?

Senator SMOOT. The Professor was answering that by saying along the line of the pure-food law, and I called his attention to the fact that the pure-food act only went to a substance that traveled between the States, or was intrastate within the State, or interstate commerce, and was an absolute substance; it was an article that we handle and

which we see. Now, as to the question of public health, how are you going to say that they are the same?

Professor FISHER. I was going to mention as the next power the power of federal quarantine; that is, foreign quarantine and interstate quarantine. Those powers have been gradually developed, and so far as they affect the health of the individual State have vastly improved it, and so far as the attitude of the individual State is concerned, the States that have adopted the states rights in the South, more than any other part of the Union, have welcomed the advent of the Federal Government.

Now, I think as Senator Smoot has suggested, the main powers of the Federal Government will be interstate. The question whether they are interstate commerce or interstate communication of disease, is a matter concerning which I am not qualified to speak. I am not a lawyer, and would not like to do so.

Senator SMOOT. You understand that under the Constitution the only power that the Government of the United States can exercise within any of the States comes under the commerce clause, or the general welfare clause, as somebody puts it.

Professor FISHER. There are two clauses, and I am not sure whether those are the only clauses.

Senator CRAWFORD. Upon this national quarantine, under what clause of the Constitution does that come?

Professor FISHER. Gentlemen, I must excuse myself from trying to answer legal questions, but I want to say this, that our committee has had a subcommittee on legislation, and the chairman of that committee, a former Member of Congress, Mr. George Shiras the third, the son of former Justice Shiras, of the Supreme Court, has here a portion of his brief with regard to powers which the Federal Government can exercise without encroaching upon the powers of the state government.

The CHAIRMAN. That will be received.

#### STATEMENT OF PROF. IRVING FISHER—Resumed.

Senator CRAWFORD. You said, Professor Fisher, that there was still a third power. You have given the quarantine?

Professor FISHER. I have given one, the power of regulation. There the argument would be in regard to the existence of a police power. The second is the power of investigation, and the third is the power of dissemination of information. Now, with regard to investigation, as Doctor Welch has said—

Senator CRAWFORD. It seems to me that you are sound on the question of the collection of statistics and the dissemination of information. I do not see anything in the Constitution to prohibit the Government occupying a full field on that.

Professor FISHER. Of course we realize that there are men in Congress who believe that the Department of Agriculture is unconstitutional, but I do not think you will have any trouble, unless you are of that opinion, in getting this legislation through Congress on account of such opposition. What we want to have done by the board of public health is analogous to what has been done by the Department of Agriculture, and as an answer to that question with regard

to encroachment, because there is nowhere encroachment. There has been cooperation.

The CHAIRMAN. If you excuse me, the committee is now compelled to discontinue this hearing. If it is agreeable to the other members of the committee we will meet to-night at 8 o'clock.

### STATEMENT OF GEORGE SHIRAS 3D, OF THE COMMITTEE OF ONE HUNDRED.

Mr. SHIRAS. Mr. Chairman, in accordance with the suggestion of Professor Fisher, and in compliance with the assent of the Senate committee, I herewith submit extracts from a brief, prepared some time ago, on the supervisory powers of the Federal Government. Such extracts lack continuity and may not therefore be entirely clear. Should, however, this committee or any member thereof desire to see the original brief, it is entirely at their service.

#### THE EXTENT AND CHARACTER OF THE JURISDICTION IN THE FEDERAL REGULATIONS OF PUBLIC HEALTH.

None of the controversies over the extent and character of national authority involve, perhaps, a greater misapprehension on the part of the public, and including particularly the legal profession, than that relating to the federal regulation of public health. When law writers and jurists, past and present, unite bodily in the declaration that the supervision of public health is a right reserved to the States, under their alleged exclusive police power; when Members of Congress, almost as a unit, accept the view that the jurisdiction of the national assembly in matters of public health is actually limited to a control incidentally connected with the regulation of commerce among the States—the unfortunate situation reveals the fact that the duty of the Federal Government in the protection of public health is neither appreciated nor its vast regulatory powers in such a direction even remotely recognized. No graver responsibility than the conservation of public health rests upon civilized nations, and it so far transcends any other social or economic question that neither time nor money ought to be considered a serious factor in the proper and prompt safeguarding of the life and health of the people. And yet the terrible toll of unnecessary death and sickness through the failure of the Government to exercise more fully and effectively its sanitary jurisdiction can almost wholly be accredited to the long-prevailing misconception of the legal authority vested in the Federal Government.

#### WHY THE STATES ORIGINALLY CLAIMED AN EXCLUSIVE JURISDICTION.

When the States were isolated, sparsely settled, and the business interests largely local, it is not strange that all regulations relating to the public health, so important from the beginning, should emanate from governments specially charged with the protection of the internal interests of their inhabitants. It was because public health and sanitation required immediate consideration and action that all the States made prompt provision for the discharge of such manifest duties. On the other hand, the Federal Government in its early days was overburdened with debt, its taxable resources extremely limited, and its expenditures for public purposes kept, so far as possible, within the narrow limits of its administrative expenses. And again, there existing no apparent necessity or demand for federal legislation upon questions of public health, since practically all the populated area was within the States, it therefore came to pass that all regulations conservative of health were deemed to belong exclusively to the States, and for many years it constituted one of those numerous rights accorded each Commonwealth, regardless of the fact that in the future it might become necessary to divide such responsibility and such burdens between the States and the nation, so that while the former would entirely regulate all local sanitary matters the National Government should exercise a like jurisdiction over all territory under its exclusive control and over all persons, property, and business subjected to a federal supervision.



The early and pronounced failure of the boundary States to effectively control harmful foreign intercourse by separate regulations of quarantine and of immigration became so manifest that now no one, however ardent a supporter of a State's supremacy in domestic matters, denies the fact that the master key must be held by a single sovereign; otherwise, were one of the maritime States to fail in the enactment or the effective enforcement of its quarantine laws or in those regulating the admission of undesirable immigrants, through such an open door might come every form of virulent epidemics or a horde of diseased or otherwise unworthy immigrants.

The very fact that the noncoastal and immediately adjacent States were powerless to prevent the entry of contagious diseases or undesirable immigrants into the country and that they suffered equally with the border States from any careless or insufficient regulations imposed by the latter, led to the conclusion that the merely fortuitous circumstance of possessing a maritime boundary did not invest such States with the arbitrary and exclusive control over immigration or the right to decide upon the character and the means of enforcing quarantine regulations.

The fact, too, that in recent years large business interests at many of the infected ports frequently succeeded in having the local health authorities conceal or minimize the existence of the plague, cholera, smallpox, and yellow fever, not only from the citizens of the State, but from the health authorities of all the other States, gave additional force for an exclusive federal jurisdiction over all forms of contagious disease coming from foreign countries.

Hence about the first of the health regulations originally intrusted to the States, to be abandoned as ones never rightly belonging to other than the central sovereign, were the regulations of foreign quarantine and the inspection and control of alien immigration. Later the Federal Government was permitted to exclude importations of adulterated foods and drugs.

When finally the United States became a rich and powerful nation and its income sufficient to meet those obligations connected with the administration of national affairs, the duty of expending its income in the furtherance of all such projects became more and more manifest. It is interesting to note certain directions in which the public money was first disbursed. Leaving aside the hundreds of millions of dollars expended for the army and navy, we come to the expenditure of more than a thousand millions of dollars for public buildings, river, harbor, and jetty improvements, canals, the Pacific railroads, pensions, and the like, against which many constitutional arguments were made, and finally we come to those expenditures and regulations connected more particularly with the advancement of the industrial interests of the country. When the Department of Agriculture was created, its principal purpose was for the furtherance of the agricultural welfare by a scientific study of plant and animal life, and as a necessary incident thereto was the investigation and abatement of contagious diseases endangering the animal and plant industries throughout the entire country. As a result, Congress now exercises a jurisdiction over those contagious and infectious diseases which directly affect the animal and plant life of the entire nation. The Government's right to examine into the character of the diseases affecting domestic animals and plants and supervise their shipment or passage from State to State was purely a police regulation, and as such frequently exercised for similar purposes by the States in the regulation of their internal affairs. But whenever the Federal Government sought to bring under its own supervision the more virulent contagious diseases affecting mankind, and within the same territorial limits over which the Government was already exercising its quarantine powers in reference to infected live stock, opposition has always arisen, upon the ground that the supervision of the public health, so far as man was concerned, had become a subject sacred by prescription to the States. And that this idea should become so deeply rooted in the past is not at all strange, for no one fully anticipated what would follow the growth of great communities, the expansion of domestic and foreign trade, or the extent and diverse character of intercourse between the people.

Moreover, in those days potable waters were seldom contaminated, and if so, were readily controlled by the State; epidemic diseases originating in the community were with little difficulty confined to the place of outbreak, while the transportation between the States of adulterated foods and drugs or diseased meat products was almost unknown.

Gradually, but with ever-increasing rapidity, the old conditions that made exclusive state control of all public health practicable have passed away. But the justifiable prejudice of former days, fostered still by law writers and law-

makers, that the States alone are authorized and alone are capable of passing laws regulating all those conditions affecting the public health of the nation, must still be combated before the passage of legislation looking to the saving of hundreds of thousands of lives annually has any chance of enactment.

#### THE TWO METHODS POSSESSED BY ALL GOVERNMENTS IN PROMOTING AND PROTECTING PUBLIC HEALTH.

The means employed in the protection of public health by any governmental agency, supreme or inferior, may be divided into two great and important branches:

First. Health or sanitary regulations, involving the exercise of a police power sufficiently effective for the maintenance of such regulations; and

Second. Hygienic investigations or medical research, including the compilation and distribution of useful information, but not involving, as a rule, the exercise of any police power.

#### THE POSITION OF THE PUBLIC TOWARD FEDERAL REGULATIONS OF HEALTH.

In recent years a far-reaching, important, progressive, and well-directed movement has arisen among the people of the United States in favor of a greater activity on the part of the Federal Government in matters of public health. And looking toward this end has been the advocacy of a plan for transferring and reassembling the various health agencies of the Government into a single department or bureau, in order not only to bring about a co-operation that is impossible where such agencies are scattered indiscriminately in the several executive departments, but likewise to insure a more efficient and economical administration as the result of such consolidation and coordination.

In this movement may be included most of the leading sanitarians and publicists of the country, and many permanently organized bodies of citizens like the Public Health League, the Committee of One Hundred for the Federal Regulation of Public Health, the American Medical Association, with its affiliated bodies, and what is equally significant and important, the active support of the leading boards of health of many of the States—which latter support must be indicative of the belief that the Federal Government alone has the power and the means of carrying on continuously and in a uniform way all classes of scientific investigation relating to public health or in the collection of vital statistics throughout the civilized world, and upon which must largely depend any accurate study or solution of the various health problems, including the best manner of advancing or protecting public health through the instrumentalities of legislation.

Public sentiment is likewise unequivocally in favor of an effective and adequate sanitary supervision over all harmful foreign and interstate intercourse. For it is now clearly proven that the boards of health of all the different States are unable to cope with many of the more dangerous epidemic diseases, since their appearance in any portion of the country is uncertain as to time or place, and it is wholly impracticable for such boards, whose most efficient work consists in the regulation of domestic health matters, to be devoting any considerable attention to the study of anticipatory remedies in the control of those epidemics which may never infect the territory under their particular jurisdiction. Such independent investigations would be too circumscribed or intermittent to be of much value, and such duplications of work by 46 States a useless waste of money and of energy, for upon the occurrence of an epidemic disease of great virulence, none of the uninfected States, however well prepared, would possess extra-territorial jurisdiction permitting them to enter an adjoining State and there exercise the necessary sanitary authority upon which might depend the prompt control of such an epidemic.

Upon the reorganization of the federal health service must come the advocacy of such additional legislation as will make more effective the supervision over federal territory and over all foreign and interstate intercourse in any way injurious to public health.

Besides the indorsement of a greater federal activity in the preservation of public health by the various medical, scientific, and philanthropic organizations, and by various state organizations, this movement has been recently indorsed by both the leading political parties, and by a number of States in the declaration of party principles.



## ATTITUDE OF CONGRESS.

Although in the past decade hundreds of bills dealing directly and indirectly with public health have been introduced in Congress and many of such bills have been enacted, there exists no standing committee on public health in the lower house of Congress.

In the Senate, however, such a committee has existed for years, and has been most useful in investigating the legal and practical questions connected with health legislation, and in having the time and the freedom to consider the subject apart from the entangling influences, so confusing and retarding, when considered by committees occupied with other matters and more or less lacking in sympathy with, or understanding of, the health problems submitted for their consideration.

Practically all proposed health legislation in the House is referred to the "Committee on Foreign and Interstate Commerce," under the long-prevailing and utterly fallacious notion that Congress has no other original jurisdiction in the federal regulation of public health except as may exist or may be imagined to exist under the commercial jurisdiction of Congress.

Undoubtedly many of the most important federal statutes for the protection of public health grew out of the restrictions and prohibitions imposed upon interstate and foreign commerce, such as those relating to impure food and drugs, or the inspection of meat products, but all these restrictions are police regulations affecting commerce injurious to public health and as such designed solely to protect public interests in the instances cited. They are federal health measures incidentally affecting the freedom of commerce and not regulations of commerce incidentally benefiting public health. Such would be the legal construction placed upon a state regulation of foods and drugs in the protection of health, and such should be the rule in construing federal legislation.

Until Congress and the federal courts recognize the fact that all regulations of commerce, be they state or federal, are police regulations, without exception or qualification, it will be difficult to properly present the extent and character of the health or other police jurisdiction possessed by the Government.

And until the legal profession realize that a federal police jurisdiction over interstate and foreign commerce is a restriction upon the otherwise arbitrary commercial power of Congress, and not, therefore, an additional grant of power, will it be possible to remove the prejudice against the same.

The generally-accepted doctrine that police power is reserved exclusively to the States is based upon an old misapprehension regarding the purposes for which this power is invoked in all legislative spheres.

Police power, it must be remembered, is only that part of the criminal law which deals particularly with offenses derogatory to the public welfare, in contradistinction to those grosser offenses affecting the individual rights of man. It matters not whether a law be enacted by Congress or a state legislature regulating pure food and drugs, meat inspection, safety appliances, hours of labor, water pollution, the sale of lottery tickets, the transmission of obscene matter, political contributions by corporations, trade monopolies, rates of transportation, or the regulation of epidemic diseases by quarantine—for one and all are police regulations, whether connected with commerce or not. Such a criminal jurisdiction necessarily exists within the legislative sphere of either class of sovereigns, since each must possess all the authority necessary for enacting or maintaining any supervisory regulations of the above character.

Such police jurisdiction is not, therefore, in derogation of the rights of the States, since this power is distinct and cooperative. The failure of Congress to recognize the fact that most of its recent supervisory legislation is police in character and as such coming within its jurisdiction when directed toward matters in which it concededly has an exclusive or concurrent power, constitutes one of the present difficulties in properly presenting the quarantine and other health powers of the Federal Government.

During the second session of the Sixtieth Congress a bill was prepared and introduced at the instance of the Public Health and Marine-Hospital Service of the United States, entitled "An act to create a bureau of water supplies and sewage." The proposed legislation was intended primarily for the investigation of pollution affecting interstate waters and the best methods of preventing such pollution. This measure was referred by the Speaker, under the rules, to the Committee on Foreign and Interstate Commerce, and in course of time a hear-



ing was granted to the supporters of the bill, who were able to show by unquestioned facts that the great water courses traversing the more populous areas of the United States had become open sewers for the cheap and convenient conveyance of every form of noxious waste and infected sewage, and needlessly entailing death and sickness which equaled or exceeded the total mortality in the civil war for the same period of time. Naturally, the question arose before this committee over the jurisdiction Congress had in the regulation of pollution affecting interstate waters, and Congressman Stevens (of Minnesota), one of the leading members of the committee and one who ordinarily was in entire sympathy with every great question affecting the welfare of the people generally, finally interrupted the proceedings by making the following statement (page 11 of printed report of said hearing):

"Mr. STEVENS. We want you gentlemen to understand the position that Congress and the States assume before you go any further. The only jurisdiction that Congress has is under the commerce clause of the Constitution. We have no jurisdiction at all over health as a separate and independent subject. The Constitution left that entirely within the control of the States. We can not, if we would, deprive the States of those police powers to control the health and welfare of their people. They have got it, and we can not affect it in any way we try now. The only power we have is acting under the commerce clause of the Constitution. Acting in that way, we have established the Public Health and Marine-Hospital Service to help the commerce of the United States. \* \* \*

"This committee has charge of commerce. That is the only way we have any authority to hear you gentlemen this afternoon, because you come here to propose something for the benefit of the commerce of the United States. Now, so far as the connection of health with commerce is concerned, we are glad to hear you. Concerning anything outside of that you might as well talk to the wind, because we can not hear you."

It would be difficult, in a shorter statement, to have embodied more succinctly and clearly the traditional misconceptions of half a century regarding the federal jurisdiction in matters of public health, or like subjects involving the existence and exercise of a police jurisdiction in the Government.

Had this member of the committee raised the point that the bill under discussion had no relation whatever to interstate commerce, and could not, therefore, be considered by this particular committee of the House, his position would have been logical and beyond any criticism whatsoever; but he, backed by his committee, declared that Congress itself had no health jurisdiction apart from commercial regulations.

Each State has the right, under its reserved powers, to regulate its domestic or internal commerce in every reasonable way it may see fit, not only for the protection of public health, but public morals, physical safety, or the economic welfare of its inhabitants, but all such supervision must, without exception, be judicially sustainable as a proper exercise of its police power over such commerce.

The National Government, under its enumerated constitutional powers "to regulate commerce with foreign nations and among the States," has precisely the same right to regulate the commerce thus submitted to its exclusive jurisdiction.

In other words, in the enumerated power to regulate commerce granted Congress by the Constitution and in the implied power to regulate internal commerce accorded to the States there exists no legal distinction in the methods employed in effecting such regulation.

The regulation of commerce by Congress should not be regarded as an arbitrary one and beyond, therefore, judicial review, but should be controlled by exactly the same limitations as are imposed upon the States in their control of domestic commerce.

Hence such federal regulations, whether relating to the betterment of public health or public morals, or to the economic welfare of those injuriously affected by such foreign or interstate commerce, can only be legally justified when shown to be the reasonable exercise of its police power.

True commerce may be promoted by opening, freeing, or improving the various channels of trade, be they artificial or natural, just as public health may be promoted by the expenditure of public money for the furtherance of medical knowledge or sanitary science, and without necessarily involving, in either case, the exercise of police power; but in all those commercial regulations embracing, as they must, the exercise of police power, the existence thereof constitutes the sole and only foundation upon which any governmental agency can predicate its

legal right to supervise or regulate commerce. For the privilege of carrying on commerce is an inherent one, and in the restriction or curtailment of which (or any other form of intercourse) there must exist not only some public necessity, but a penal jurisdiction that can be invoked for punishing those who refuse to submit to the restrictions or prohibitions demanded by the public welfare.

But, on the other hand, if the police jurisdiction of Congress over foreign and interstate commerce is sufficient to protect the public health from the traffic in adulterated food and drugs, or any other commodities injurious to health, such a jurisdiction falls far short of affording a proper supervision over other forms of foreign and interstate intercourse, which is noncommercial in character; such as nuisances resulting in the pollution of interstate streams or in the contamination of the atmosphere of contiguous States; or the passage from State to State of noxious germ or insect life, or in the transmission of epidemic diseases by infected persons, animals, or any other medium, living or inanimate, not necessarily the subject of commercial regulation.

It must be particularly remembered that a State's police jurisdiction over harmful intrastate intercourse is not limited to its power to regulate domestic commerce, since its right to prevent the pollution of local waters or to abate, by legal process, all nuisances or conditions inimical to public health or public safety exists wholly apart from its right to exercise a police control over internal commerce. So, too, with the National Government, for it possesses a police jurisdiction over all forms of harmful foreign and interstate intercourse wholly apart from its police jurisdiction over commerce. And while the character and extent of the latter jurisdiction can not be referred to fully here, it is mentioned now for the purpose of showing how restricted and inadequate must be the jurisdiction properly exercisable by the Committee on Interstate and Foreign Commerce, in so far as it relates to the preservation of public health.

#### JURISDICTION OF THE STATES AND THE FEDERAL GOVERNMENT IN THE REGULATION OF PUBLIC HEALTH.

In any effort to contrast the extensive and diverse jurisdiction of the Federal Government in matters of public health with the uniform, direct, and comparatively simple jurisdiction of the States, it becomes necessary to briefly outline the character of the latter jurisdiction before enumerating that of the Federal Government:

The health and sanitary jurisdiction of each State extends to the complete control and regulation of the property and person of its inhabitants and to all conditions—social, economic, and physical—which in any way injuriously affect the public health of those within its territorial limits.

Each State is, therefore, practically free from any interference upon the part of the Federal Government in the regulation of public health, subject to three general exceptions:

First. That such health regulations shall not, in a legal sense, be confiscatory of the property of any citizens of the United States or constitute an unreasonable invasion of those civil rights or privileges of citizenship guaranteed by the Federal Constitution.

Second. That such health regulations shall not be in substantial conflict with the laws and treaties of the United States relating to the performance of any federal duty, or in the exercise of any function of government provided for under the Constitution of the United States.

Third. That in the enforcement of such health regulations, or in the failure to provide or enforce proper health regulations, a State shall not be permitted to endanger the lives or health of citizens of other States or of those residing upon any federal territory subject to the general jurisdiction of the United States.

Could more be asked by the States in the way of an adequate, responsible, and responsive sanitary jurisdiction, or could less control be vested in the Federal Government under the rights constitutionally guaranteed to the citizens of the United States?

While doubtless it is the duty of the General Government to carry on scientific investigations and promulgate information beneficial to the welfare of the nation, it is no concern of the Federal Government, in a legislative sense, what may be the condition of the health,

morals, or industrial surroundings of the citizens of any State. The exclusive right of local self-government is vastly more important than any temporary benefit which might come from a federal interference in these matters. Yet the right of a State to perform or neglect its public duties does not include the maintenance of conditions inimical to the rights of citizens of other States.

So clearly established and openly exercised is the Government's police and sanitary jurisdiction over all federal territory coming under the exclusive control of Congress, and so equally apparent is the same jurisdiction in the performance of those duties directly associated with its purely administrative functions, that one need only call attention to the character of existing laws and methods of enforcement to clearly establish these facts.

The real difficulty, if any, arises in determining the exact legal character of federal health regulations over foreign and interstate intercourse, and in defining the extent of such relations.

In classifying the very diverse jurisdiction of the Federal Government in health matters, the same may be divided into several elementary classes, viz., those covering the sanitary jurisdiction over:

1. Federal territory.
2. Federal administrative affairs.
3. Indian tribes.
4. Foreign intercourse.
5. Subjects of the United States on high seas, and
6. Interstate intercourse.

The first of these great divisions covers a most extensive and exclusive health jurisdiction, including the District of Columbia, Alaska, Yellowstone National Park, the Panama Canal Zone, the Island of Guam, the Tutuila group of the Samoan Islands, and maritime, naval, cable, and coaling stations; it likewise includes an exclusive or concurrent jurisdiction in matters of public health over Arizona, New Mexico, Hawaii, Porto Rico, and the Philippine Islands, and over the public domain dedicated to particular uses, such as forest reserves, reclamation projects, dikes and dams connected with navigation, national parks, as well as over federal buildings and grounds, such as quarantine stations, marine hospitals, military and light-house reservations, arsenals, forts, naval and soldiers' homes, life-saving stations, military and naval academies, post-offices, customs-houses and court buildings, national cemeteries, experimental and weather bureau stations, etc.

Over this diversified area, within and without the States, the jurisdiction is intrafederal, interfederal, interstate, and international. While, under the other branches come many forms of regulations covered by maritime, treaty, and international law, as well as a sanitary jurisdiction over a half a million of Indians scattered throughout the States and Territories, and every citizen of the United States, independent of his residence, so long as he is within the general jurisdiction of the United States.

To say that such a jurisdiction is a commercial one, or that it is not infinitely greater and more complex than that possessed or exercisable by all the States, singly or collectively, is to betray a misunderstanding of the situation.

By far the most important branch of this discussion is the character and extent of the federal police jurisdiction over all harmful forms of intercourse between the States, between the States and foreign countries, or between the States and the federal possessions of the United States.

From the inception of the Union the unanimous view of the people favored state control of all internal or purely domestic affairs, and over these each Commonwealth was deemed a sovereign.



Upon the adoption, however, of the present Constitution two most important questions had to be definitely determined in the organic law that was to take the place of the earlier Articles of Confederation:

First. The respective relations of the federal and state governments in the regulation of foreign and interstate intercourse; and,

Second. The extent of the exclusive or concurrent power of taxation within the legislative sphere of each.

The first Constitution had shown how confusing, vexatious, and arbitrary were the commercial regulations of a State over trade coming from a port of another State or country. Therefore in the later document Congress was not only granted the exclusive power to regulate commerce between the States and foreign nations, but was given the exclusive right to tax imports. The export trade, however, was made free from any form of federal or state taxation—a restriction upon the taxing power of the General Government that may prove unfortunate in the near future, both in respect to income, the means of controlling exports, or inducing reciprocal agreements.

At that time all important intercourse between the States or foreign countries requiring federal regulation was regarded as purely commercial, for, aside from such and the clause in the Constitution intended to cover the migration and importation of slaves, no other specific form of intercourse was mentioned, if we may regard the admiralty and maritime jurisdiction as largely commercial in its character.

The original purpose in turning over to the Federal Government the sole control over all commercial intercourse extending beyond the boundaries of the several States was unquestionably to prevent such States from burdening or restricting interstate trade, either by a discriminatory tax upon the production of other States or by embargoes designed to prevent competition with local enterprises. Hence free trade between the States was deemed essential for preserving alike the industrial welfare of the States and of the nation.

But this withdrawal from the States of any power to interfere with commerce originating beyond their respective borders was coupled with the right of Congress to "regulate" such commerce.

This was an affirmative power—whether intended so or not—and not a mere withdrawal of state control over external commerce. Nevertheless, for many years Congress never saw fit to exercise this power, and beyond the federal courts deciding from time to time in certain cases that the States were unreasonably interfering with interstate commerce by local enactments, Congress was content to rest upon the maintenance of the utmost freedom in commercial intercourse between the States.

In the last twenty-five years, however, the power of Congress to regulate certain forms of harmful commerce (or what was alleged to be commerce) has been exercised in an ever-increasing degree, until now it is employed in so many ways, either directly and clearly within the constitutional grant of power or under such devious, colorable, or distorted interpretations thereof as to reach nearly every form of foreign or interstate intercourse deemed injurious to the morals, health, or economic safety of the people.

Several facts should be clear:

(1) That the Federal Government, under our dual system, is alone capable of regulating and controlling all forms of foreign or interstate intercourse, commercial or noncommercial in character, which is injurious, in a substantial degree, to the welfare of the nation; and, consequently,

(2) That the supervisory power of Congress, if restricted to the regulation of foreign and interstate commerce, is inadequate for the effective control of all forms of harmful intercourse; and,

(3) That the continuous effort to stretch the commercial jurisdiction beyond the fair meaning and scope of the same constitutes the most dangerous form of evading a specific constitutional restriction—since each illegal advance of such jurisdiction lays the foundation for a continuation of such encroachment. For, as recently seen, once let the commercial jurisdiction attach to any person, object, or instrumentality and the control of Congress thereover is almost limitless.

There are several ways, apparently, open for meeting this situation:

(a) By the regulation of noncommercial intercourse under some other specific or general jurisdiction existing under the Constitution;

(b) By the amendment of the Constitution, if no such jurisdiction exists;

(c) By the deliberate disregard of the constitutional limitations, under the

plea that the exigencies of the public welfare demand the unhampered exercise of a naturally sovereign power; or,

(d) By the rigid observance of the constitutional limitations—be the cost what it may.

The most obvious conclusion, therefore, under the above alternatives, is the examination, first of all, of the constitutional powers of Congress, in order to determine the existence or not of any provision or provisions which, when considered separately or collectively, afford the necessary means of regulating intercourse between the States or foreign nations, apart from the power of Congress to regulate commerce.

And in such analysis one must bear in mind a very important circumstance: That in the grant to Congress of the exclusive power to regulate interstate and foreign commerce the framers of the Constitution overcame most effectively a then existing defect in the Articles of Confederation by providing a federal supervision over the only form of intercourse that had heretofore been the source of continuous friction among the States. At that time, however, it was not likely anyone anticipated the extent Congress would go later in placing restrictions upon interstate and foreign commerce for the betterment of public health, public morals, and the general welfare of all the States; for few, if any, realized what would follow the great increase of population in the diversity and extent of trade or industrial activity, or that within a generation or two the Central Government would find it necessary, in interstate traffic, to establish standards of purity in foods and drugs, the licensing of manufacturers of toxins and viruses, the sanitary inspection of live stock intended for interstate or foreign markets, the control of common carriers, or the regulation of industrial monopolies. Much less was it anticipated that the time would come when the protection of public health, public safety, or the preservation of the agricultural or industrial interests would require the enactment of laws preventing the inception or spread of epidemic diseases throughout the country by proper quarantine regulations; the pollution of interstate waters affecting the potability, industrial uses, or fishery interests; the unreasonable diversion of water common to two or more States impairing navigation, irrigation, and water power; the contamination of the air passing from State to State; the spread of insect and animal pests across state lines, costing thousands of millions of dollars; the improvident destruction of migratory fish, like the salmon and shad; the growth of noncommercial intercourse between the States by millions of people using all kinds of private conveyances, requiring frequently some uniform method of regulation, including automobiles, motor boats, yachts, and, possibly in the future, aeroplanes; the segregation, by public action or individual choice, within certain States, of thousands of nonresident citizens suffering from tuberculosis and other forms of contagious diseases; the migration and concentration, in certain States, of undesirable alien races; the spread of vice and immorality by noncommercial means; the inception of fraudulent schemes and devices by persons in one State victimizing citizens of various other States, powerless to reach by any criminal process such conspirators; the maintenance of nuisances on the border of a State, such as dynamite factories, pesthouses, smelting or rendering plants giving off noxious fumes or sickening odors, and similar nuisances and forms of intercourse threatening the security, health, peace, and property rights of the citizens of other States.

Under the conditions above recited the commercial jurisdiction of Congress can not reach or control the inception, maintenance, or the operation of the evils and harmful influences of such a character.

Admitting this to be so, there are two facts to be borne in mind, (1) that practically all intercourse between the States, liable to regulation at that time, was commercial in character, and (2) the Constitution clearly deprived the States of every vestige of extraterritorial authority over any form of interstate and foreign intercourse, commercial or otherwise.

This being so, has any provision been made in the Constitution for a federal control over interstate or foreign intercourse that is noncommercial in its character?

For if there existed, or in the future should exist, any form of intercourse between the States or between the States and foreign countries requiring some uniform and authoritative means of regulation—as provided for in foreign and interstate commerce—such a regulatory power must exist in the Federal Government or not at all, since the States, existing as separate and independent units, are powerless, individually or collectively, to maintain the *comitas inter gentes*, upon which the autonomy and coordinate existence of the States of the Union necessarily depend.



But before attempting to answer the above question by pointing out the existence of an adequate jurisdiction in the Federal Government for the regulation of every form of harmful interstate intercourse, it is important to understand how sovereign each State is within its territorial dominion and their lack of any extraterritorial jurisdiction. Only by the clear understanding of these two conditions is it possible to judge the character of our system of government.

So powerless is a State beyond its borders that should a citizen of one State deliberately and without provocation shoot at and kill a citizen within the territory of an adjoining State there exists no legal process or authority whereby such a willful murderer can be apprehended under any criminal jurisdiction exercisable by the State wherein such a person was thus deliberately killed, for the right of extradition—even when honored—only applies to the apprehension of one who has fled the jurisdiction wherein the crime was committed.

Such being the case, how, then, can it be asserted that any State possesses the authority to abate public nuisances in adjoining States which pollute the waters flowing therefrom or similar nuisances endangering the life, health, property, or peace of its citizens?

Yet so complete, extensive, and effective is the criminal jurisdiction of the Federal Government that it may apprehend any person or persons who violate any act or treaty or any rule or regulation passed in pursuance thereof, whether such person or persons are within the United States, its foreign possessions, upon the high seas, or within the territory of a foreign nation maintaining reciprocal treaty obligation for the rendition of fugitives.

It matters not, therefore, whether it be a criminal action for counterfeiting, illegal naturalization, fraudulent bankruptcy, the violation of an excise or maritime law; or, on the other hand, a police regulation relating to foreign or interstate intercourse, such as the shipment of adulterated or misbranded foods and drugs, the unlicensed manufacture of toxins, the sale of lottery tickets, the failure to provide safety appliances on vessels or vehicles of common carriers, the solicitation of alien-contract laborers, or the disregard of quarantine laws, for in all such instances each person or persons concerned in the violation of a federal penal law must respond to such proceedings, whether it be a writ of arrest, an order of deportation, a subpoena, or the surrender of property for confiscation, or such other disposal warranted by the nature of the proceedings.

Beyond the constitutional provision contained in the sixth amendment, that the trial of an offender shall be in the district in which "the crime shall have been committed," there exists no limitation upon the federal criminal jurisdiction in reaching the person or property of the offender.

Contrast this, therefore, with the impotency of a State whose highest officials become common lawbreakers the instant they attempt to execute, under color of office, any criminal process beyond the geographical boundaries thereof.

#### FEDERAL REGULATION OF CONTROVERSIES BETWEEN THE STATES.

Therefore the main question throughout this discussion necessarily relates to the character and extent of the supervisory powers exercisable by the General Government rather than to the adequacy of the means for enforcing the same.

When we come to consider the jurisdiction possessed by the Government for regulating the various forms of harmful intercourse between the States, mention may be now made of an important federal power, which, like the commercial supervision of Congress, has become of transcendent importance, under modern conditions, not only in the preservation of public health, but also in so supplementing the commercial jurisdiction as to relieve Congress from the continual temptation of attempting to regulate all forms of harmful intercourse thereunder, or, under an equally perverted use of the postal jurisdiction, where various forms of fraud, immoralities, and personal misconduct are made criminal offenses under the guise of regulating the transportation of the mail, because, in most cases, the victims and the offenders reside in different States, and hence there arises the need of a criminal jurisdiction which is interstate in scope, such as is possessed only by the Federal Government.

Many of the federal crimes and misdemeanors growing out of the alleged regulations of commerce or the postal service are largely without any constitutional authority if the Government possesses no police jurisdiction over harmful interstate intercourse, and, even then, many of these criminal prosecutions have become a clear invasion of an existing and adequate criminal jurisdiction



possessed by the States. And this because any perverted use of a power, however praiseworthy the motive, usually results, sooner or later, in evils greater than the ones originally inviting the evasion of the law.

The extensive and largely dormant power the Government possesses over noncommercial intercourse is mentioned in section 2, Article III, of the Constitution, wherein it is declared that—

“The judicial power shall extend to controversies to which the United States shall be a party and to controversies between two or more States.”

Here, then, is an explicit provision in the Constitution supplementing the power to regulate commercial intercourse between the States. Any substantial controversy arising out of the lack of extraterritorial authority becomes subject to a federal jurisdiction. Controversies between the States over alien immigration, over interstate and foreign quarantine, over the spread of noxious insects, over water pollution, the contamination of the air, or over the segregation by one State of its paupers, criminals, insane, or the diseased within the borders of another State, all may become the subject of a federal supervision.

In *Missouri v. Illinois* (180 U. S.) the Supreme Court decided that if the evidence established the allegations in the bill, namely, that the Chicago Drainage Canal, in the State of Illinois, was unreasonably polluting the waters of the Mississippi, in the State of Missouri, it constituted such a controversy between these two States as to warrant the permanent abatement of such a nuisance, and, in reference to the constitutional provision for the regulation of controversies between the States, the court said:

“From the language, alone considered, it might be concluded that whenever, and in all cases, where one State may choose to make complaint against another, no matter whether the subject of the complaint arises from the legislation of the defendant State, or from acts of its officers and agents, and no matter whether the nature of the injury complained of is to affect the property rights or the sovereign powers of the complaining State, or to affect the rights of its citizens, the jurisdiction of this court would attach.”

And while the court, therefore, was clear that the language in the Constitution was broad enough to cover all controversies between the States, whether it related to a form of intercourse through the medium of water pollution or the contamination of the atmosphere, or, whether in the exercise of sovereign powers, as in the case of boundary disputes, the court was of the opinion, however, that the judicial jurisdiction should not be extended to those controversies which were not of a substantial character and which did not involve important disputes affecting public interests and which might arise, from time to time, through the lack of any extraterritorial authority on the part of the States. Similar in effect was the finding of the court in the *Tennessee Copper Company* and in the case of *Kansas v. Colorado*. Such a federal jurisdiction, therefore, puts an end to shotgun quarantine between the States, and the Government becomes the constituted intermediary in the interstate regulations of public health.

It was this inherent inability of the States to maintain their respective rights in matters of interstate intercourse which led the Supreme Court (176 U. S.) to declare that—

“Controversies between them arising out of public relations and intercourse can not be settled either by war or diplomacy.”

And again, in *Debs, Petitioner* (158 U. S.), the court held:

“That while it is not the province of the Government to interfere in any mere matter of private controversy between individuals, or to use its great powers to enforce the rights of one against another, yet, whenever the wrongs complained of are of such a nature as to affect the public at large, and concerning which the nation owes its duty to all the citizens of securing to them their common rights, then the mere fact that the Government has no pecuniary interest in the controversy is not sufficient to exclude it from taking measures therein to fully discharge those constitutional duties.”

Therefore it has been decided that wherever rights or equities common to all the citizens were jeopardized by the inability of the several States to maintain a comity upon which the public welfare depended, then this condition of affairs

constituted such a controversy between the States as to warrant some form of regulation by the Government.

In my opinion, the extension of the judicial power to controversies between the States no more implied an exclusive jurisdiction in the judicial branch of the Government than the extension of the same power, in the same paragraph of the Constitution, to admiralty deprived Congress, impliedly, of the power of enacting admiralty and maritime laws.

When the judicial jurisdiction was extended to controversies between two or more States, it was intended that the federal courts were to have the primary or ultimate authority in determining two important legal questions: (1) What constitutes such a controversy within the meaning of the Constitution, and (2) the manner in which the same might be determined or regulated within the federal sphere of action, for the right to settle such controversies includes the right to regulate the subject-matter of a controversy either by judicial process or legislative enactment.

The governmental power, therefore, of determining what constitutes a controversy between the States is an important one, and primarily judicial in its character; but whether, in a given case, the judicial power suffices to settle such a controversy, or whether it devolves on Congress to regulate those conditions unreasonably injuring or affecting the interests of citizens of other States depends upon the nature of the controversy.

In those disputes growing out of the lack of extraterritorial authority, such as arise in the pollution or unreasonable diversion of interstate waters, the contamination of the atmosphere, the regulation of interstate quarantine, and the like, the province of the court, when called upon, consists in determining the primary question whether the inability of the several States to control or regulate nuisances or other dangerous conditions existing beyond their legislative jurisdiction came within the class of controversies contemplated by the Constitution.

The very fact it was realized on the adoption of the Constitution, that many conflicts of a noncommercial character were likely to arise between the States, and this because the States were intentionally deprived of any state tribunal—judicial or legislative—for settling the same should make it very apparent that all interstate controversies were as much within the jurisdiction of the Central Government for settlement as any of those relating to interstate commerce.

The express grant of power to Congress to regulate foreign and interstate commerce implies a judicial jurisdiction in the determination of the reasonable character of such regulations, while the extension of the judicial power to controversies between the States implies the existence of a legislative jurisdiction over such controversies whenever their subsequent regulation by statute requires the same.

This rule of constitutional construction, if not maintainable, would result in Congress possessing an absolutely arbitrary regulatory power over all foreign and interstate commerce if the power to regulate were not subject to judicial review, while, on the other hand, if the judicial branch of the Government alone possessed a supervisory power over controversies between the States, it would result either in the exercise of legislative functions or in the frequent continuation of conditions which would make such controversies endless. When it has been judiciously settled that certain conditions constitute a nuisance or dispute of a controversial character, such as the pollution of interstate streams, the subsequent regulation of the same may involve the exercise of a legislative, rather than of a judicial, function.

When consideration is given the existing methods, or those that should be invoked, in the regulation of foreign and interstate intercourse, it should be easier to classify the different means of supervision, just as it will be possible to separate certain general powers into their component parts, to the end that the courts and Congress may be brought into a more harmonious understanding of their own powers and of their correlation in maintaining separate, but cooperative, functions of government.

In conclusion, one thing should be said with marked emphasis: That all the legislative regulations of public health, be they state or federal, have a clearly defined sphere in our dual system of government. To the State belongs the control (or neglect) of its purely domestic affairs, including the management of everything affecting directly or remotely the health and general welfare of its own inhab-

itants, for there is no duty whatever imposed upon the Federal Government to regulate, under its conception of what may be promotive of the local welfare, the purely internal affairs of the State. What has made our system of government so democratic and responsive is the method of apportioning to the people, within minor political areas, control of those things necessarily and inherently local to such an area. The test, therefore, is not how ill they may at times manage such domestic affairs, but rather how much better they can manage them when thus brought under the direct control of those who receive all the benefits of good government or suffer all the ill effects of bad government.

Every State, therefore, provides as it may see fit the means and methods of internal regulation, and unless on its own initiative it seeks in such a field the cooperation or assistance of the Federal Government the inhabitants of each State are supreme, however arbitrary, in their sovereign right to manage all matters of public health that do not concern or affect the rights of citizens living beyond its borders. If such boards of health are inefficient, if local regulations are imperfect, resulting in the greatest mortality and sickness, if local streams and lakes are polluted, or other evil conditions provocative of illness or the physical decline of its inhabitants exist, such conditions in no way invite remedial legislation by the National Government.

On the other hand, aside from the manifest duty of carrying on medical and sanitary research, there is one function of the Federal Government which the vital interests of the States, of our Territories, and of our colonial possessions, separately or in the aggregate, demand should be actively exercised, to wit, the control of all those harmful influences which lie beyond the legislative jurisdiction of each of the subordinate governments. Federal health regulations alone can stay the spread of contagious diseases from foreign shores or from State to State; control the various means of transmission, whether they be the infected waters of interstate streams, the interstate movement of diseased persons and domestic animals, the transportation of adulterated foods and impure drugs, or the maintenance of harmful conditions within a State which are provocative of communicable diseases, or of any other element of danger to the health and physical safety of persons residing beyond the borders of the offending State. Such federal duties are manifest, such duties are constitutional, for it can not be said that those duties which are national belong to the State or that those duties which are local are impaired by such national action.

Keeping these boundary lines in view, the time will come when the States and the nation will be in full accord and the friction and the misconceptions which now prevail will have become a thing of the past.

Senator OWEN. Mr. Chairman, before adjournment I desire to submit the following letter:

APRIL 29, 1910.

To the honorable the SENATE COMMITTEE ON PUBLIC HEALTH,  
OF THE UNITED STATES SENATE.

GENTLEMEN: As a member of the committee of one hundred, chairman of the National Association for Preventing the Pollution of Rivers and Waterways, and as a sanitary engineer, I appear before your honorable body in



behalf of the Owen bill (S. 6049), especially with reference to the sanitary feature of the bill embraced in section 9.

The twelve gentlemen composing the pollution association are so eminent in medicine, science, engineering, and the army that I will read their names.

Knowing that you gentlemen are desirous of having all the light possible thrown on this nation-wide problem, I will occupy only a few moments of your time in laying before you certain facts and suggestions.

We claim that pure water is one of the nation's greatest assets.

The health of the people of this nation is a sacred trust placed in your hands. A community or a nation can not become great commercially without proper safeguards of its health and sanitation.

Thanks to the great strides which have been made in recent years through medical and sanitary researches, we know both where danger lurks in its worst form and, in a measure, how to obliterate the sources and minimize the results. In these researches the Government of the United States has borne a not inconsiderable share.

The older the country, the more congested its population, or the more ignorant or careless its inhabitants, the greater the danger and liability that every one of us and ours is subject to, and the greater the responsibility resting upon those who are conversant with the dangers that confront us all through carelessness and wantonness and those whose duty it is to secure to the whole people this great blessing through good laws and wise administration.

The placing of all matters pertaining to the public health under a department with power to enforce the same is giving it the prominence and importance which it demands and deserves; but heretofore the work of the Government in health matters has been performed through a subordinate bureau of departments. There has been little, if any, cooperation; dangers have been considered and conquered when they have become so great or menacing as to demand consideration and correction. There has been no broad or comprehensive plan to study and prevent ills and evils before such ills and evils become veritable monsters dealing deathblows or lingering ills worse than death.

This question of the creation of a department of public health, now before your honorable body, is broad in its scope and vital in its importance. It is a measure as important as the very corner stone of our national structure.

A man's money is nothing compared to the health of his loved ones; battle ships and prosperity are small compared to a pestilence. Therefore, we should approach it only after deep and mature thought and study, without selfish or personal considerations, and with the single end in view of the greatest good to the greatest number. Each step should be carefully weighed and considered.

The consolidation of all the scattered divisions of health administration under one department is, in my judgment, the first and most important step in the direction of a wise and businesslike conservation of the public health. All financial matters are placed under the Treasury Department; all legal matters under the Law Department. Why, therefore, is it not proper to place all health matters under a health department?

The bill introduced by Senator Owen, and which has the approval of many associations, of position, sanitarians, and persons of prominence in affairs, is an admirable piece of legislation, securing the consolidation of all the scattered branches of health administration of the country under one authoritative head. It is a definite and to-be-desired step, which will lead to a more economical, as well as a more efficient and businesslike, administration of this great national matter.

One is surprised to find how many different branches of the Government are dabbling in matters appertaining to the nation's health or well-being. Speaking for myself and the National Association for Preventing the Pollution of Streams and Waterways, as well as for the Committee of One Hundred, I wish to heartily indorse the Owen bill and to bespeak for it favorable action by your honorable body. It covers all that Senator Owen sought to cover when he drew it, namely, the coordination of existing but unrelated workers with a view to better work and results. My views, and those of the men and bodies I represent, are that the bill does not go far enough, in that it does not specifically provide for such and such an immediate study of the great sources of national diseases through contaminating water, food, and air, as will immediately make this work effective and permanent; and we would therefore like to suggest an amendment or addition thereto that is in harmony with the bill as introduced and which would immediately operate to place this matter where its eminence and importance deserves.

The amendment or addition which we would suggest is the result of conferences of leading men in science, medicine, engineering, and of the Medical Corps of the army, men of wide experience, broad culture, and eminent in their profession. They view this matter from a broad and disinterested standpoint, their one object being the prevention of the ills which menace this country through the polluted rivers and streams consequent upon the rapidly swelling population; and feeling that the National Government, in view of the many state and interstate questions and problems involved, is the proper body to initiate the work, and desire that this initiation shall be along broad, comprehensive, and unselfish lines, beginning with the compilation and codification of all existing information gathered and compiled by the best men in their specialties that the nation can produce.

We would recommend, therefore, that before any steps are taken by the National Government a temporary commission, composed of experts of national standing, be appointed, who would thoroughly study this question, digesting the existing laws on the subject, and report back to you their views and recommendations on questions arising from the diversion and pollution of interstate waters and sewage disposal. We are confident that such a report would be of national assistance in shaping future action and would result in placing this country in the forefront of the nations of the world in this field of sanitation, and further materially the solution of the perplexing and intricate questions arising from the diversion and pollution of our state and interstate waters.

A question involving the lives of the people in the nation and the expenditure of millions of dollars is of so great importance to the country that it should be handled on a business basis, only after having consulted the highest authorities before taking the first step, as is always done in large business enterprises.

We would therefore respectfully suggest an amendment to the bill before you, S. 6049, to change the period after the word "thereto," line 2, page 4, to a semicolon and add the words: "*Provided*, That pending the organization of the Bureau of Sanitary Engineering the President is authorized to appoint a temporary commission, without pay, to investigate the pollution of the rivers and waterways by which the health of the population of more than one State is affected, and to suggest remedial measures therefor, and a sufficient sum of money is hereby appropriated, from any money now in the Treasury not otherwise appropriated, to be disbursed under the direction and in the discretion of the Secretary of Health, for the necessary expenses of such commission, not to exceed \$—."

I think I can say, gentlemen, after an extended and intimate study of this great problem and conferences with many men prominent in medicine, engineering, and affairs, that the nation is not only willing, but anxious, to have laws passed that shall protect them and others; but they want laws enacted that will protect. They want the best laws and as speedily as possible. They recognize the far-reaching consequences of such legislation as is here proposed and which we have been discussing. They are fearful lest these matters, left to one man in a subordinate capacity, will be conducted in an unintelligent, arbitrary, or imperfect manner, and consequently with disastrous results.

Let me cite one instance: Recently I appeared before a committee of the New York legislature in support of a state sanitary bill. I found that only one objection was raised, that being that the entire authority was vested in one commissioner. The objectors to this provision felt that their large interests would be better cared for with a larger or less personal tribunal, or with some method of appeal in case they felt an injustice was being done them in matters of pollution of waters growing out of the disposal of sewage.

Ohio, Pennsylvania, and Maryland have recently passed bills looking to the protection of their waters from pollution. I believe that New York will this year pass a similar bill. Other States have considered and are considering very carefully this great question.

While individual cities and States may solve their pollution problem from a local standpoint, as the city of Baltimore is successfully doing at a cost of \$20,000,000, the pollution question as a national one will never be successfully solved until the Government arranges to cooperate in this great question, as cities, States, and the nation are to-day clashing on this subject. The difficulties will increase rapidly in the near future on account of the rapid growth of our country. We have fresh in our minds the long and costly legal sanitary battles between Chicago and St. Louis, the States of New York and New Jersey, and numerous others. During a recent visit to Cincinnati in reference to the pollution of the Ohio River by her sewage, I found a most complicated case of

polluting of waterways. Cincinnati takes her drinking water from the Ohio River above the city, discharging her sewage into the same river below for others to drink lower down the river. The cities of Newport and Covington, Ky., using the same river for the discharge of their sewage. The Kentucky state line extends to the Ohio side of the river. Cincinnati is therefore discharging her sewage into Kentucky. The United States Government is further complicating the matter by building a dam below the city in order to secure a 7-foot channel during low water. In constructing this dam the Government will likely back the sewage to the point at which the city takes her drinking water, producing a pollution problem involving three cities, two States, and the United States Government.

It is therefore for this reason, if for no other, the opportune time for the National Government to take the initial step, and to take it rightly. Unless steps are taken to stop the pollution of our water, fifty years will see every river and lake a sewer or cesspool.

One of the main objects of our association is to get sanitary commissions appointed in the several States, with the end to prevent the pollution of waters by the discharge of sewage without proper treatment. We wish the Government to lead, not follow. We wish to secure the most up-to-date method for all parts of the country. We wish, further, to so modify the existing laws or to enact new ones so that conflicts will not result. The first step is the securing of the amendment or addition to the Owen bill, as suggested above, whereby a commission can study the matter and see whether it would not be advisable to appoint a board, in connection with the department of health, to which States could appeal in case it was felt that one State was imposing on another, and that the Government's action would be based on the highest knowledge in this line.

If you gentlemen can, by amending this bill, give a body of public-spirited citizens the privilege of giving you their views on this question, after careful study and before any definite step is taken, I can not see how any loss will be incurred, but the aid of their knowledge and experience will be placed at your disposal at comparatively no cost. Even if it cost millions, this great project should be launched only after careful and intelligent consideration, free from all local or individual pride or interest.

CALVIN W. HENDRICK,

*Chairman National Association for Preventing  
the Pollution of Rivers and Waterways.*

(Thereupon, at 12 o'clock m., the committee adjourned until 8 o'clock p. m.)

#### AFTER RECESS.

The committee reassembled after recess.

Present: Senators Martin (chairman), Smoot, Bristow, Crawford, and Fletcher.

Senator Owen also appeared.

The CHAIRMAN. Mr. Fisher, if it is agreeable to you now, you may resume your statement.

#### STATEMENT OF PROF. IRVING FISHER—Resumed.

Mr. FISHER. As I understand the question, from what was said this morning, it resolves itself into a question whether we shall have a bureau or a department. In other words, I assume that it is the intention of Congress to do something to redeem the pledges of the Republican party platform and the Democratic party platform, and with that assumption the alternative to that is whether we shall have a bureau or a department. The question of whether we shall have a bureau or not resolves itself into a question of whether we shall have a bureau of public health and marine-hospital service merged into that bureau. If we have any other bureau, it would



mean the degradation of the Public Health and Marine-Hospital Service to a part of a bureau—a division instead of a bureau. While bringing together other bureaus as divisions of the new bureau might make a stronger bureau, it would certainly excite the opposition and hostility of the Surgeon-General of the Bureau of Public Health and Marine-Hospital Service and of other bureaus that would be thus coordinated.

The question, then, of a bureau would resolve itself into the question of whether the Bureau of Public Health and Marine-Hospital Service could be such a bureau. You will understand that our committee is a lay committee and we knew nothing of the Bureau of Public Health and Marine-Hospital Service and were organized independently of any thought of that service, and that we, as a part of the American Association for the Advancement of Science, we knew that the work that was being done by the Bureau of Public Health and Marine-Hospital Service was inadequate for the demands of a great country like this.

As soon as we were informed of the work that this bureau was doing and that that was the principal work of the Government in health and was somewhat of a health bureau, the question arose as to whether we should not build upon that as a part of the health service of the Government. But we decided, after very careful consideration, that the enlargement of the Bureau of Public Health and Marine-Hospital Service, or the making of the Bureau of Public Health and Marine-Hospital Service, as Doctor Welch said, the whole thing was not the best way to treat the problem. The reasons for that were partly those given by Doctor Welch this morning, and some other reasons that I would like to give.

I want to disabuse the minds of any members of the committee, if they should have such an impression, that our committee has not had any intention, either in its organization or since, of injuring the Bureau of Public Health and Marine-Hospital Service. On the contrary, it is our desire to make that service greater and more efficient. The sole aim of this movement, so far as our committee has had anything to do with it, and the people, so far as any part of this movement goes, is to make a more efficient health machine in the Federal Government, irrespective of any personal considerations. Now, if the Bureau of Public Health and Marine-Hospital Service could be made the great health service of the Government it would need to absorb two divisions—that of foods and drugs of the Bureau of Chemistry, from the Department of Agriculture. That would mean the degradation of Doctor Wiley, or whoever is to be his successor, if he were displaced. Instead of being a bureau chief, he would be a division chief. In other words, we would run against the same opposition and the same injustice that we would have if we attempted to make the Bureau of Public Health and Marine-Hospital Service a division subordinate to some other bureau.

Senator SMOOT. Now, why do you use that word degradation?

Mr. FISHER. I thought that was the technical term when a man was made a division chief from a bureau chief.

Senator SMOOT. I hardly think so. Doctor Wiley could do the same identical work and it would not make a particle of difference to the American people what they called him as long as the work was done and results were accomplished.

Mr. FISHER. I did not mean that our committee was opposed to that, if that is the best solution of the problem; whether Doctor Wyman should be subordinate to Doctor Wiley or Doctor Wiley should be subordinate to Doctor Wyman. Our committee has no objection, if that is the best thing to be done.

Senator SMOOT. You would not want this committee to allow their best judgment to stand in the way of doing that, simply because it was displacing one man in the United States?

Mr. FISHER. I do not think personal considerations ought to have anything to do with it. I think we ought to have the best organization, irrespective of any man's wishes. But I do believe that existing organizations have influence and that it will be an exceedingly difficult thing to get any measure through that would mean the injury of existing organizations, and it has been our object as a committee to try to contrive and to help promote any scheme which would solve the problem without the necessity of making such an injury.

The solution which we hit upon was to have a subdepartment. We organized for the purpose of advocating a department. In fact our committee was organized because of a paper read on the economic advisability of a department of health, written by my colleague, Professor Norton. All the movements sprang from that. When we found that President Roosevelt was opposed to a department, not because it was a department of health, but opposed to any new department, no matter how important it might be, and that we could not get his support, which we regarded as essential, without advocating something less than a department, although it nearly disrupted our committee to do so, for the sake of expediency and to be practical instead of being regarded as too idealistic—we advocated what the President advocated, and he advocated bringing together in the Department of the Interior of General Wyman's bureau, of Doctor Wiley's bureau, of the eleemosynary institution already in the Department of the Interior, and various other health services, which should make a subdepartment there with a new Assistant Secretary of the Interior to be in charge of that service.

We had the hope that ultimately that would slough off as an independent department; that that would be a step in that direction.

When Mr. Taft came we found that his ideas in regard to the Department of the Interior were different from those of Mr. Roosevelt. Mr. Roosevelt had had an idea of breaking up or reorganizing the bureaus of the Department of the Interior, and Mr. Taft wanted to keep the Department of the Interior to be the Land Office and Reclamation Service, etc., just as it is. And while he was willing to have the bureaus transferred in that department he intimated that he thought a subdepartment was not the solution and that a strong bureau which would absorb all the existing bureaus would be the best, and although we had thought that solution would excite opposition, as we believed that Mr. Taft would have his policy carried out and that his support was very essential, we advocated that. Then came Senator Owen with his bill and that struck the nail on the head. That is exactly what we had wanted from the start and what we believed the most practical and easy solution of the whole proposition. Because if we are going to avoid the opposition of the Bureau of Public Health it will be by enlarging that service and not

detracting from it, although, as Senator Smoot has said, it might make a stronger organization even if we had a bureau.

Now, the Public Health and Marine-Hospital Service is not properly a bureau of health organization because of its military organization. That was pointed out this morning very forcibly by Doctor Welch, and as a result of that organization where promotion takes the place of competition it is impossible to get throughout the country or throughout the world the very best men to be at the head from time to time.

It reminded me of the old arrangement in regard to Yale College when the president had to be a Congregational clergyman of Connecticut. Originally when it was a small college, when it was a local college, that was all right, and when all the wisdom of Connecticut was in the congregational clergy; but it is ridiculous now for a national university to have so restricted a range; and thus, although the Congregational clergy of Connecticut have every chance to have a candidate for president, now the president may be selected from anywhere throughout the country, and we believe that the head of the health service of the Government ought to be selected from all the material that is available.

We also have an objection to the Bureau of Public Health and Marine-Hospital Service because of its location. The Treasury Department will, of course, always overshadow any bureau in it, and it ought to. The Treasury Department is one of the great organic departments of the Government. Now, we do not believe that the Department of the Treasury is any more important than the department of health, but as long as the Bureau of Health is subordinate to the Treasury Department it will be so regarded. Senator Owen has shown in his speech that it has been inadequate to meet the situation at the time of the plague in California, and in other instances, and it will always be inadequate as long as the superior officer of the public health service is not a man who appreciates the importance of public health.

Finally, we do not believe that a bureau is a proper solution of this question, because we do not think a bureau signifies in the minds of the people or in the minds of Congress the importance that this subject demands. As long as we have a Bureau of Health subordinate to a department of something else, health will always be regarded as subordinate to something else. I do not suppose any member of this committee, and I do not suppose any intelligent man in Congress who has studied this question of health, would think for a moment that agriculture is more important than health. Agriculture has to do with the growing of inferior life, and health has to do with the conservation of our own lives. And if you were asked, gentlemen, now whether you would have a department of health or a department of agriculture, having neither to start with, I have not the slightest hesitation in knowing what you would decide. If we had a bureau of agriculture to-day it would never have the influence, the prestige, or the standing that it has. And suppose we had the bureau of the navy, or the bureau of the post-office, or the bureau of the treasury, they could not have the influence and do the work with the efficiency that they now perform it, and so we believe that the importance of the subject is so great, second to none in the Cabinet of the President, that there should be a department and not a bureau. I am afraid I



am taking up too much time, but there is one more point that I wanted to make, and that is in regard to public sentiment. I was very glad this morning to hear the chairman say that this committee was not primarily interested in knowing that A or B or this organization or that organization indorses this bill; that they were more concerned with the merits of the case. If that is so, gentlemen, I do not see how a bill similar to Senator Owen's can fail to meet the approbation of this committee and of Congress; but when we started on this agitation we were confronted with the fact that there was not very much public sentiment, and we undertook to arouse that public sentiment. We found there was a good deal more of it than there was supposed to be, and that it was a very easy thing to arouse it, because the presentation of the facts, such as Senator Owen has presented in his speech, were sufficient to convince the ordinary man who would stop to consider those facts that it was a proper enterprise for the National Government to embark upon.

Senator OWEN. Did you not have some clippings that you received from the press and had put in the scrapbook?

Mr. FISHER. Yes; I have them here. Senator Owen suggested that the committee would care to see exactly what the public press has done [producing large scrapbook of clippings].

Senator OWEN. Mr. Chairman, would you like to have that read now?

The CHAIRMAN. We will postpone that until some subsequent time.

Mr. FISHER. We began, not by getting newspaper indorsement, but by getting the indorsement of the American Association for the Advancement of Science, the American Medical Association, the American Gastro-Enterological Society, the American Public Health Association, the Conference of State and Territorial Boards of Health, Daughters of the American Revolution, the National League United Christian Workers of America, Associated Fraternities of America, the National Grange—organizations comprising altogether several millions of members, starting with the scientific and medical associations and going through the laborer and farmer and social organizations.

The conservation commission and the conference of governors at the White House in regard to the conservation of natural resources indorsed the idea of enlarging and improving the public health service of the Government. Life insurance companies, as has been demonstrated to you this morning, representing as they do billions of dollars vested in human life, have signified their belief that human life can be prolonged, and their approval of the bill of Senator Owen. We had the indorsement from the start of Grover Cleveland, who had advocated a similar movement in his own administration; of Mr. Bryan, as well as Mr. Taft, when they were candidates for the Presidency; of President Roosevelt—provided it was only a bureau that was wanted. His advocacy extended to various letters that he wrote and two messages to Congress. Mr. Taft has expressed himself as in favor in his letter of acceptance and in a message to Congress. The Ohio legislature has passed resolutions in favor of it. I think some six different party platforms have had planks in favor of it, including state platforms and including three national party platforms, including both the Republicans and Democrats.

And then in regard to the press and magazines of the country, which mold public opinion and express public opinion more accurately perhaps than any other agency, they have taken it up unanimously. The World's Work, with 150,000 subscribers; McClure's Magazine with half a million. The World's Work has established a special department devoted to the advocacy of this plan. The Ladies' Home Journal, with a million circulation; Collier's Weekly; the Western Review, representing the fraternal organizations; the Underwriter, one of the leading insurance magazines, and almost all of the insurance magazines have taken that matter up. When I say almost all I do not mean that there are any opposed to it; the Journal of the Great American Association, one of the great medical journals of the country. I think there was one exception in that case. The grange and labor papers, the Daughters' journals, the New York Times, and a large number of journals whose names I have not attempted to keep, but you can see, if you will look at the clippings, exactly what has been accomplished. Of course, I know that there is no time to select from that book anything to read. Here is something that was sent in to us and not included in the book. I should say, by the way, that those who are experts in regard to newspaper clippings tell us that the agencies that send in these clippings generally get about one clipping in five, so that if I could present to you the entire number of newspaper statements that have come out in regard to this movement, it would take five of these books instead of one.

Senator FLETCHER. What is the American Medical Association?

Mr. FISHER. The American Medical Association is represented here by many distinguished men to-night and will be heard later.

Senator FLETCHER. I know about the distinguished people connected with it; but I wanted to get an idea of its scope.

Mr. FISHER. I answered you in that way because I thought others would answer the question much better. I can tell you in a general way that it has a membership of 105,000, and it includes the leading practitioners in the country. It is the medical organization par excellence in the United States.

Senator FLETCHER. It is a national organization, in a way; it has a membership in all of the States, and holds regular meetings, etc.?

Mr. FISHER. Yes.

Senator FLETCHER. Does this bill contemplate the exclusion of homeopaths and eclectics and osteopaths?

Mr. FISHER. You will have to ask Senator Owen what his ideas are in regard to that. So far as our committee is concerned, we are not a medical committee, and we have nothing to say in regard to schools. I suppose that question may be predicated on the fact that our committee has had the compliment of being opposed to certain quacks in Chicago who have written articles against it and have, I think, tried to circularize Congress. I was told that every Congressman had a pamphlet recently attempting to show how the committee of one hundred was predicted in the Book of Daniel, and that it was an anathema in many ways because it was attempting to exclude from the practice of medicine men like the author of that pamphlet. I do not suppose that anyone has taken such attacks seriously, but the impression that they have tried to create is that we are attempting to side with one particular school of medicine.

Senator CRAWFORD. I think all of those were thrown in the wastebasket, but I have received letters from physicians who were not in that professional class, who expressed the fear that this was being steered along the line that would discriminate between the schools and that sort of thing. I did not really believe it myself, but I have received such letters.

Senator FLETCHER. If you will allow me just a minute, I will lead up to this thing. I want to get through with the few questions I am asking. I am not taking sides either for the osteopaths, or the eclectics, or anybody else; but matters of this sort have been discussed in the public press, and, as the Senator has said, perhaps some of the Senators have thrown these things into the wastebasket. But it is just as well at a public hearing like this that there should be some light thrown on the matter and some expressions on that subject. Therefore, I ask the question if your committee knows of any efforts to favor any trust or monopoly or anything of that sort, as indicated by some of these criticisms.

Mr. FISHER. Not in the least.

Senator FLETCHER. Either as to medicine or as to drugs?

Mr. FISHER. No, sir.

Senator FLETCHER. Some claim that certain drugs will be favored to such an extent that monopolies will be created, and others that certain schools of medicine will be favored and be pampered by this sort of legislation. I just wanted to hear from you on that. That is all. Just briefly.

Mr. FISHER. So far as our committee could possibly exert any influence, it would be to have the freest possible organization. All that we are in favor of is, as a scientific organization, to get the light of science on medicine. We do not care where it comes from; we do not care whether it comes from the inside of the medical profession or from the outside of the medical profession. My own personal opinion you will find expressed in the report on national vitality. I think I have a chapter there.

I want to correct an impression that this is primarily a medical movement. So far as our committee is concerned it is not a medical movement. I noticed in this evening's paper recording this morning's hearing the headlines implied that the doctors are making this request of you, but I do not know whether there was a single doctor who spoke. The insurance companies presented their case. Our committee has tried to present its case, and I would like to point out that health to-day is not merely a medical matter. That is one of the narrowest views of the conservation of health. The medical man is only one in the movement to suppress tuberculosis. It is being done by all kinds of cooperation, from the clergyman to the teacher and from the medical man to the teacher. It has not been altogether the medical man. And so we believe that the conservation of health involves the use of the sanitary engineer. The medical health officer of New York City is a chemist, and I believe that one of the semi-health bureaus of the Government to-day is the bureau of labor, the head of which is not a medical man, but he has told me personally he is making his bureau more and more a bureau to study the conditions of safety to life and limb and dangers from dangerous occupations and the study of ventilation of factories and sanitation and



working hours in relation to the physiology of labor, etc.—all of which are closely related to medical subjects and involve the contribution of medical men to the bulletin of a bureau, whose head is not a medical man, and are not confined by any means to medical men.

Senator FLETCHER. Then, what would you include in the scope of this department, Doctor? The jurisdiction and power of this department. What would you embrace in that?

Mr. FISHER. The bureaus that would be included?

Senator FLETCHER. Yes; the bureaus.

Mr. FISHER. Bureaus indicated in the bill of Senator Owen; he has enumerated them there in full.

I wanted to read one clipping, which is one of the most recent that has come in, and has not been sent us by the clipping agency, and which I think is one of the most significant. It is from the Chicago Evening Post.

#### A POPULAR PROPOSAL.

Senator Owen's bill for the creation of a federal department of health represents a public demand that is more insistent than Washington realizes.

I believe that is absolutely true.

The idea is by no means a new one. President Roosevelt recommended its adoption to Congress, and President Taft has followed the example of his predecessor. Also, there has been active indorsement of it for some time past by various medical associations the country over. But it was among the few most notable accompaniments of Mr. Taft's St. Patrick's day address at the auditorium that every time he mentioned a national health bureau the immense audience burst into hearty applause. The fact seemed to surprise the President. It would undoubtedly have surprised many grave members of our upper House. But its reality and spontaneity could not have failed to be most convincing.

We believe that some organized effort on the part of the National Government to conserve the lives of the republic's citizens, as well as its natural resources, is a step not only wise, but extremely popular.

Senator SMOOT. You realize, Doctor, that if this committee reports this bill in the Senate that there is going to be opposition to it. Therefore I think that if there has been any act in the past, any opposition by the medical fraternity in general that can place us in a position to defend it—if that is our position—I think that we ought to know it. I want to say this; and what I say now I do not want you, Doctor, or any other person to think that it is an indication as to what my position shall be upon this matter. I have had a great deal of correspondence of late, many, many letters, many, many telegrams. Some of them that I can hardly answer successfully, at least not satisfactorily to myself. The question as to the expense attached to it I have never heard mentioned at all, and in several letters received that has been asked of me.

Mr. FISHER. In regard to the expense, does it relate to the expense of the public?

Senator SMOOT. No; the expense of the establishment, if this department is established. The expense to the Government—what it will cost annually to the Government, etc. That I have not heard. Of course, this committee would have to be in some kind of a position to inform the Senate, because there is no question but that will be asked. Now, Doctor, I realize that you have been an instrument in bringing a great deal of this wonderful information that has

already been collected to the attention of the American people. I wondered how we were going to answer your letter of December 23, 1907, because I have been asked to answer it, and I hardly know how. Therefore, I am going to call your attention to it now. I do not think that there would be a better time in the world than for you to explain it here now, so that when we are asked the question, and it is given to us in this same way, we will have some kind of an answer for it.

In your letter you say—

Mr. FISHER. Is that a letter to you, Senator?

Senator SMOOT. Oh, no; not to me. You will recognize it when I read it. Of course, if you do not, then I want to know whether it is a forgery or not [reading]:

Our legislative subcommittee and executive subcommittee have held frequent meetings. We believe that it is not possible to overcome the opposition unless a campaign fund of from twenty to twenty-five thousand dollars can be raised at once. This will be used for printing, stationery, telegrams, etc., the effect of which will be that Congressmen, especially pivotal Congressmen, will not dare to displease their constituents by opposing President Taft's programme. It will also be used to reach our American Health League—which contains many thousand health enthusiasts—to start up our Author's League of 1,000 health writers to stimulate our Press Council of 100 leading editors, and to supply them and the members generally with ammunition in the way of literature; also to reach the labor organizations and the Grange and all our allies.

In the same letter you say:

I am writing to you among the first, knowing that you keenly appreciate the importance of overcoming the selfish opposition to a project which, once started, will surely expand within a decade, so that millions upon millions of government money will be put into this most needed form of national defense. Letters received from Congressmen, in response to our effort to poll them on this question, show that many of them, and especially those who control procedure, need something more than the President's message to urge them to action—in short, that they must have letters and telegrams from their constituents.

Now, Doctor, I want to say that men who are opposed to this will bring that question to us to answer, and I would like now, briefly, for you to explain what brought that letter out, if you wrote it, and how are we to explain it?

Mr. FISHER. I can not explain what brought it out, Senator. I wrote the letter, and I am exceedingly glad that you brought up the question. The letter, I believe, was read on the floor of the Senate, part of it by Senator Gallinger. It was so stated in the record of the Senate. I have the full text of the letter here. I think I have; and I should be glad to have the full thing put on record, if Senators wish to have it.

Senator OWEN. Mr. Chairman, just a moment. I have a complete answer from Professor Fisher with regard to that whole matter, which I intend at the proper time to present to the committee and to the Senate.

Senator CRAWFORD. Why is it not perfectly legitimate for them to arouse sentiment, and if it has reached the halls of Congress, what is wrong about that?

Senator SMOOT. I wanted to know from the doctor just exactly what—

Senator OWEN. Professor Fisher.

Senator SMOOT. I have always called him Doctor. Professor then.

Mr. FISHER. I have no objection to that. I am not an M. D. I do not see, myself, anything objectionable in the letter. If there is, I

should like to have the Senators point it out. It was not a letter which I would publish. It was a private letter, written by me to Doctor Gulick, a member of the committee of one hundred in New York City. How it got into circulation I do not know. I do know that Doctor Gulick would not have it in circulation.

I also know this: That several copies of it were printed on the stationery of the Department of the Treasury and have been circulated. That is all I can say in regard to how the matter got into the newspapers. I am really glad that it did because it shows the exact situation. I have no objection. As I say, it is not a letter that I should naturally have sent to Congressmen, but I am very glad that it has come to Congress.

Senator SMOOT. What makes me think of it was this: I had it here among other things I intended to call your attention to; that you spread these sentiments over the country, and that perhaps if there were letters written by all who received this that that would be a very good answer as to why we have the clippings from all parts of the country.

Mr. FISHER. In regard to our League of Health reports. There are a few men enrolled in that league who were invited at the beginning of our organization to so enroll themselves and who promised to support our movement in any way that they could. They have done so, so far as they were able. I suppose perhaps one among a number of them has written articles. You will find them among the clippings there; but if you have an idea that all these clippings were written—

Senator SMOOT. I have no idea, because I did not know whether you had 1 clipping or 10 clippings or 10,000 clippings.

Mr. FISHER. The great majority of what you will find in that book was not written in the office of the committee of one hundred. Those you will find indicated in typewriting in advance of the appearance in the newspapers.

Senator SMOOT. In this answer that you gave to Senator Owen, did you mean as to about what expense this would be annually to the Government in any way?

Mr. FISHER. As I understand it the passage of this bill will entail almost no expense upon the National Government, and that is my own idea of a proper fitness of things. I think you would encounter a great deal of opposition in Congress if you should attempt to expend millions upon millions of the Government's money for this needed form of national defense, if those are the words of mine that you quoted.

I do believe, and I am very glad to have the opportunity to say so, with the utmost emphasis, that the time will come when the Government will find it expedient to spend a great deal more on health than it does now, and if I thought that the organization of a department of health was not going to be anything but a dummy and was not going to spend any money I would not want to have it. Gentlemen, you can stop it in committee. It is in your power. If you want a national department of health that will stop just short of doing anything, it is in your power to have it. It will have a great advantage over the present organization. There will be less duplication, at least, but I would not take the time to come from New Haven over to advocate a department of health of this kind.



Even then I believe it would be a step that would grow to something. The Department of Agriculture has expanded, and I believe the department of health would also expand. I believe, also, it is the best economy for this country, as Mr. Messenger said. It seems to me that this committee did not appreciate Mr. Messenger this morning altogether. I think they misunderstood something that he said and did not catch the spirit in which it was intended. Mr. Messenger is one of the most accomplished actuaries in the life-insurance business. He said last night at the meeting of the state boards of health that every dollar spent in the effort to prolong human life would bring back to the community \$100 worth of wealth, and I believe that that is true. I would not assume to say that if it had not been that an actuary estimated it to be the fact.

The CHAIRMAN. Do you know of any duplication of work in the government health service now?

Mr. FISHER. Yes.

The CHAIRMAN. Will you please state exactly where that duplication exists?

Mr. FISHER. I would be glad to do so, but there are others here who can answer that question very much better than I can. I think in the interest of saving your time I had better let them answer your question.

Senator SMOOT. I think we are as well acquainted now as we could be with the details of the organization, although I may be mistaken as to that, but I think so. What would be your idea as to the number of people that would be employed if we establish this department, say within two or three years?

Mr. FISHER. I should think very few.

Senator SMOOT. Very few?

Mr. FISHER. I should think the first two or three years would be a mere start in getting the thing organized and the problems outlined.

Many of the questions that have been asked by this committee as to the exact procedure to be adopted are questions that would naturally be answered by the head of a department when he was appointed. We could not have predicted when the Department of Agriculture was established that they would have done thus and so with regard to the potato bug or the cotton boll weevil and all the other things that have been worked out. They have problems which come up from time to time, and I should imagine that the first two years there would be comparatively little expense to the Government. I think Senator Owen can answer those questions much better than I as to what expense of the Government would be.

Senator SMOOT. Do you think there would ever be any conflict in this department by its head being appointed by the President? I suppose that will be the way that it will be done.

Senator FLETCHER. He is to be a member of the Cabinet.

Senator SMOOT. That is a member of the Cabinet, and he will be appointed by the President. Do you think there will be any conflict provided the man appointed belongs to any other school of medicine than that which the members of the American Medical Association belong to?

Mr. FISHER. I should think that would depend upon the kind of a man he was.

Senator SMOOT. Do not you think if he was a homeopath, Doctor, that if he was appointed there would be a conflict here?

Mr. FISHER. I do not suppose that it would be possible to appoint anyone without some opposition to him.

Senator SMOOT. I know that.

Senator CRAWFORD. This bill does not require that he be a physician at all. I suppose he must be a man of science.

Senator SMOOT. I am speaking of these things. I have had a number of letters, Professor, in which they say that there would always be a conflict if the President appointed—that is, the President appointed one man from one school of medicine and the next President would appoint a man belonging to an entirely different one, and in doing so the whole scheme would be more than likely upset.

Mr. FISHER. As I understand it, Senator, the American Medical Association is itself an exceedingly broad organization, and I think it takes in the homeopaths.

Senator SMOOT. I am not saying this as a question of what a medical association may do as an association, but what will be the result. Suppose, now, that President Taft should appoint a man of one school of medicine—I will not say which—and then the next President of the United States appoints another man of another school of medicine. Now, do you think that they would work upon the same line?

Mr. FISHER. Very much so.

Senator SMOOT. And would try to bring about the same result, or would there not necessarily be a conflict?

Mr. FISHER. I can not say that there would likely be very much conflict, because the national department of health would have very little to do with the practice of medicine. As I say, the health question is so broad that there is room for the practitioner, there is room for the local health officer, for the national health officer, and for a great many other people, not officers at all, to promote the national health. Now, the national health officer will have practically nothing to do to decide as to how a doctor shall administer drugs. That will not be the purpose of this national department of health. It will not be the purpose of this national department of health to send drugs around or to prescribe for ailments, but it will attempt to give the latest information of science, whatever it may be, gratis to people who apply for knowledge in regard to that. So far as any regulation is concerned, it will relate to interstate stream pollution and things of that sort, where the matter of different schools of medicine will not enter.

As I mentioned a moment ago, the health officer of New York City to-day, Mr. Ernest Lederly, is a chemist, and sanitary engineers are going to be health officers. In England, Senator, the health officers are entirely different from medical men. They have a different education, and in this country the doctor who was the head of the Public Health and Marine-Hospital Service laboratory has been called to Harvard University to be at the head of a department there which ultimately may train medical officers irrespective of medical practitioners. It is really a separate profession, and the head of this department of health would naturally not be a practicing physician.

[Committee of One Hundred of the American Association for the Advancement of Science on National Health.]

460 PROSPECT STREET,  
New Haven, Conn., April 1, 1910.

Senator ROBERT L. OWEN,  
*United States Senate, Washington, D. C.*

MY DEAR SIR: Your letter regarding Senator Gallinger's remarks has come to hand. First, let me thank you, both personally and on behalf of the others who contributed to the report on national vitality, for the commendation expressed in your letter and speech.

The letter from which Senator Gallinger quotes was a private letter written, not to Senator Gallinger, but to one of the members of the committee of one hundred, in New York. Presumably, the copy, extracts from which Senator Gallinger read, was one of those which, I find, have been circulated on paper of the Department of the Treasury, although without any letterhead and with the omission of the name of the person addressed. I inclose a complete copy, and would be glad if it could be presented in the Senate. I think, however, the President's consent should first be gained, as the letter contained a reference to statements made by him to members of our committee in private interviews and was sent only for the confidential use of the person addressed.

Senator Gallinger seems to make light of the work that the committee of one hundred has done and is doing, although in the same breath he admits that he does not know very much about it. I inclose extracts from letters from people who do know. The opinions that they express are, so far as I know, general throughout the country. The only exceptions appear to be in cases where the notion has been spread that the movement is an undue reflection on the existing régime.

I would call your attention to the fact that only a part of our work has related to federal health legislation. The other parts, as you will see from the inclosures, have been (1) the general education of the public, (2) enlisting the interest and cooperation of life insurance companies in this education, (3) advocating and aiding others in advocating state health legislation.

If Senator Gallinger thinks that the present country-wide demand for a department of health is entirely due to the work of the committee of one hundred, he unduly compliments us. If he thinks the sentiment is not strong and genuine, a very slight examination will convince him of his error. I know no better judge of the comparative strength of movements in the country than President Roosevelt, who once said to me, with great emphasis and enthusiasm, "This is one of the real movements in the country to-day." He said this nearly two years ago in reference to establishing a bureau of health, when the movement was not half as strong as it is to-day.

If there is any movement more spontaneous than this, I do not know it. There can be no movement unless some one moves. The activity of the committee of one hundred is, in fact, one of the evidences of spontaneity. Its appointment grew out of a remarkable paper read three years ago by J. Pease Norton, then assistant professor of political economy at Yale University, before the American Association for the Advancement of Science, on "The economic advisability of inaugurating a national department of health." The committee of one hundred was appointed in order to give due publicity to the conclusions in this paper and to perform such other acts as will help conserve the health of the people of the United States. A summary of its work is inclosed.

One object of our committee is to let Congress see how strong the movement is. An ex-Senator recently told me with regret that members of Congress have had their attention so diverted by controversies of various kinds that a movement of this kind, on which all parties are agreed, is in danger of being overlooked.

There can surely be no need to apologize for expressing the hope that some day the country will expend many more millions than at present in health defense. Our deadliest enemies are microbes. Congress is willing to vote battle ships to provide against the invasion of human foes, but, as you have shown, it has failed to provide machinery strong enough to prevent the invasion of a more horrible enemy, the bubonic plague. The cordial response that your speech has had shows that the country is behind you.

Very sincerely, yours,

IRVING FISHER.



(The letter quoted by Senator Gallinger, with inclosures, is as follows:)

DECEMBER 23, 1909.

DEAR DR. (name omitted):

I am sure you will be pleased with the progress which has been made in the committee of one hundred work. I am writing you at once, thinking you can aid in raising some money to complete the last lap. There are doubtless many men whom you know and could get to contribute.

To make a long story short, the President has accepted substantially the plan of our committee and the American Medical Association and rejected that of General Wyman, which he had referred to us for criticism. The President advocated the plan in his recent message, and later is to send a special detailed message to Congress on the subject. He expects opposition from the reactionary element and from those who have a selfish motive in preventing the present organization from being overhauled.

Our legislative subcommittee and executive subcommittee have held frequent meetings. We believe that it is not possible to overcome the opposition unless a campaign fund of from \$20,000 to \$25,000 can be raised at once. This will be used for printing, stationery, telegrams, etc., the effect of which will be that Congressmen, especially pivotal Congressmen, will not dare to displease their constituents by opposing President Taft's programme. It will also be used to reach our American Health League—which contains many thousand health enthusiasts—to start up our "Authors' League" of 1,000 health writers, to stimulate our press council of 100 leading editors, and to supply them and the members generally with ammunition in the way of literature; also, to reach the labor organizations and the grange and all our allies.

If our campaign is successful, our work is done and the committee of one hundred will probably disband. There is a debt of \$14,000 which I have underwritten. Naturally, I would like help in liquidating this. I will gladly subscribe \$1,000 for this and shall probably be compelled to contribute more. This is in addition to \$2,000 which I have already given the committee in actual cash, and more than that amount in clerical and other expenses which have never gone through the treasurer's books. I mention this matter thinking it right that the whole situation should be known. In order that no second appeal may be needed, it has been decided to try to raise the campaign fund and the debt all at once, the amount not to exceed \$40,000; but it is understood that none of the money raised is to be used in paying the debt until the campaign expenses have been met. I have hopes that Mr. Carnegie may be induced to contribute half of the required amount, if he is well enough to let the matter be presented to him and can be convinced that others are giving generously.

This is certainly the psychological moment to strike, and strike hard. Members of the executive committee are convinced that success is almost certain if the \$40,000 can be raised and raised at once. This means that a few of us must bear the major part of the burden. We shall doubtless need to go outside of the committee, as there are so few on the committee who have long purses. On the other hand, few wealthy people outside of our committee appreciate public health. Every member of the committee can help influence at least. The plan is, if possible, to have every member of the committee contribute something. Thus far nearly \$3,000 has been subscribed or pledged. One member of the committee, who has a small salary and who already spends half of it in charitable work contributed \$50. Mr. Boocock, a New York broker of moderate means, has pledged \$1,000.

I am writing to you among the first, knowing that you keenly appreciate the importance of overcoming the selfish opposition to a project which, once started, will surely expand within a decade so that millions upon millions of government money will be put into this most needed form of national defense. Letters received from Congressmen, in response to our effort to poll them on this question, show that many of them, and especially those who control procedure, need something more than the President's message to urge them to action; in short, that they must have letters and telegrams from their constituents.

This \$40,000, if success is achieved, will accomplish more for the country than the \$1,000,000 which Mr. Rockefeller has just given to exterminate hookworm disease, although he appreciates the fact that this million will in the end restore hundreds of millions of dollars' worth of labor power among the poor whites and save still more from the impairment of future generations,

and if success is not achieved the money is not wasted, for it will have been expended in educating the public and Congress.

I dislike to ask you or anyone else for funds, especially when I realize that you have already contributed for the various purposes of our league. I am compelled, however, to "beg"—I hope for the last time. This is our golden opportunity and must not be let slip.

You can help immensely in two ways: First, by sending me a brief letter, expressing to the full your appreciation of the importance and necessity of raising the \$40,000, so that I may quote you to the others from whom I hope to raise the money, and especially to Mr. Carnegie. Second, by backing up your expression of interest by as large a contribution as you feel you can afford. In deciding on the amount, please remember that success now will mean relief from the burden of contributing for the same object in the next and following years. You could also help by raising funds from others, or sending me the names of others to whom I might write, using your name and stating that you had contributed personally.

I do not think anything can be compared with this project in conditions to improve the health. Just as the Department of Agriculture has revolutionized the science of American agriculture, so the department of health will revolutionize the science of health.

I never in my life set my heart so on succeeding in any matter as in this, and my only regret is that my own purse is not long enough to relieve me of the necessity of troubling you and others, even though I know that a few others share with me the realization of what a health department at Washington means.

In separate inclosures, for your confidential use, I have indicated President Taft's plan, so far as he has formulated it, and a statement of what has been thus far accomplished by the committee of one hundred. May I ask that you will let me hear from you at once, as for the reasons given the matter is urgent. Please send any contribution to me, but made payable to the Title Guarantee and Trust Company, treasurer. A simple pledge redeemable before February 10 will be practically as helpful as a check.

I would like particularly any comments or suggestions you may have as to the most practical way of completing our campaign. If anything ever brings you to New Haven, I should like a chance to talk with you.

Sincerely, yours,

IRVING FISHER.

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PRESIDENT TAFT'S PLAN FOR HEALTH REORGANIZATION SO FAR AS DEVELOPED AT PRESENT AND DISCLOSED IN HIS ORAL AND WRITTEN STATEMENTS.

First. To change the name of the Department of Commerce and Labor to the "Department of Commerce, Labor, and Health."

Second. To create a new bureau of health in said department of commerce, labor, and health, and to transfer to it all the present functions of the present Public Health and Marine-Hospital Service now in the Department of the Treasury, the Pure Food and Drugs Division of the Bureau of Chemistry, now in the Department of Agriculture, and the Meat-Inspection Service of the Bureau of Animal Industry, now in the Department of Agriculture.

Third. To put at the head of this new bureau a commissioner of health.

Fourth. To create within this bureau, or as a closely affiliated bureau, a bureau of children.

Fifth. To appoint a new assistant secretary of the department of commerce, labor, and health, who shall be especially responsible for the conduct of the new health bureau, the Bureau of Labor (which is becoming increasingly a bureau of health for labor), the Census Bureau (which has to do with the vital statistics of health bookkeeping), and the Bureau of Immigration, which is closely allied to the Bureau of Labor and to the functions of the Public Health and Marine-Hospital Service.

Sixth. To appoint a purely advisory board of health to serve without pay as consultants for the new assistant secretary and his bureau chiefs, thus providing him with the best expert advice which the country affords in respect to health matters in their many aspects.

[Extract from President Taft's message.]

## BUREAU OF HEALTH.

For a very considerable period a movement has been gathering strength, especially among the members of the medical profession, in favor of a concentration of the instruments of the National Government which have to do with the promotion of public health. In the nature of things, the Medical Department of the Army and the Medical Department of the Navy must be kept separate. But there seems to be no reason why all the other bureaus and offices in the General Government which have to do with the public health or subjects akin thereto should not be united in a bureau to be called the "bureau of public health." This would necessitate the transfer of the Marine-Hospital Service to such a bureau. I am aware that there is a wide field in respect to the public health committed to the States in which the Federal Government can not exercise jurisdiction, but we have seen in the Agricultural Department the expansion into widest usefulness of a department giving attention to agriculture when that subject is plainly one over which the States properly exercise direct jurisdiction. The opportunities offered for useful research and the spread of useful information in regard to the cultivation of the soil and the breeding of stock and the solution of many of the intricate problems in progressive agriculture have demonstrated the wisdom of establishing that department. Similar reasons of equal force can be given for the establishment of a bureau of health that shall not only exercise the police jurisdiction of the Federal Government respecting quarantine, but which shall also afford an opportunity for investigation and research by competent experts into questions of health affecting the whole country, or important sections thereof, questions which, in the absence of federal governmental work, are not likely to be promptly solved.

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WORK WHICH HAS BEEN DONE BY THE COMMITTEE OF ONE HUNDRED ON NATIONAL HEALTH.

Since its organization, in April, 1907, the committee of one hundred has expended to date \$44,236, the chief items being as follows:

|   |                |
|---|----------------|
| Printing and stationery -----   | \$11, 053      |
| Postage -----   | 8, 003         |
| Office expenses (including salary of the executive secretary, clerical expenses, filing, keeping lists, rent, light, heat, janitor, etc.) ----- | 12, 967        |
| And so forth -----  | 12, 213        |
| <b>Total -----</b>  | <b>44, 236</b> |

The results accomplished by this expenditure may be classified under three heads: First, publicity; second, insurance; third, legislation.

These may be briefly taken up in order:

*Publicity.*—The committee of one hundred has distributed 42 publications, the total number of pieces of mail matter sent being upward of 900,000, or nearly a million.

Besides this direct publicity, a much more important publicity has been that obtained through the newspapers of the country. Clippings representing this publicity nearly fill an enormous scrapbook.

And a still more important branch of publicity, because more permanent, is the new magazine *Publicity*, stimulated largely by our committee. A special department, cooperating with us, has been established by the World's Work. Special attention to the subject of health is now being given systematically by McClure's and other magazines, especially those published by insurance companies. It is notable also that the bulletins of state and municipal boards of health are devoting more attention to educating the public, quoting often the literature of our committee.

The volume of health literature among magazines has increased many fold since the work of the committee of one hundred was inaugurated. Much of this increase has been traceable to our movement. Through this publicity the public has become interested in health matters, habits of living have improved, health legislation has been enacted, philanthropists have been stimulated to give to health objects. It was, directly or indirectly, through our organization



that the subject of health was recognized in President Roosevelt's conservation commission and the commission on country life. One of the reports of the former commission was by the president of the committee of one hundred, on national vitality, and the recommendations of the country life commission were largely sanitary. One of the members of the latter commission—Walter H. Page, who is also one of the members of the committee of one hundred, and who introduced a health department into his journal, the *World's Work*—first interested Mr. Rockefeller in the extermination of the hookworm disease. The result has been that Mr. Rockefeller has contributed \$1,000,000 for this important branch of public-health work.

It is believed that the publicity work of the committee has alone been worth, in educational value, the entire cost of the work. It would certainly be difficult to find a case where greater publicity has been attained at a cost within our total expenditure.

*Insurance.*—Through the activity of Mr. Hiram Messenger, actuary of the Traveller's Insurance Company, a member of the committee of one hundred, and the president, and other members of the committee of one hundred, the life insurance companies have become aroused to the possibility of saving millions of dollars to policy holders and stockholders by the prolongation of human life through sanitary means. The committee presented a plan before the Association of Life Insurance Presidents which led to the appointment of a committee by that association on human life extension. Although as yet little has been done by this committee as a body, some individual companies have already entered the field with enthusiasm, and there are plans on foot for further extension of this work.

One of the companies—the Metropolitan—through Mr. Lee Frankel, a member of the committee of one hundred, who had been interested in this phase of life insurance prior to the work of the committee of one hundred, has distributed 3,000,000 pamphlets on tuberculosis through its policy holders, has engaged the services of visiting nurses in various cities to take care of their bedridden policy holders, and has attempted, though thus far without success because of certain legal restrictions, to establish a sanatorium for the care of tuberculous invalids.

The Provident Savings Life Insurance Company has established a bureau for the free periodical examination of its policy holders, and bulletins of information in regard to methods of keeping well. Some of their literature is based on that of the committee of one hundred.

The New York Life Insurance Company has cooperated in an effort to improve the milk supply.

Several others companies have given special attention to health preservation in their insurance journals.

Of all the results thus far accomplished, the setting in motion of this great commercial interest has been more important than the publicity and is destined to be far more important in the future. The insurance companies are like a great machine which never tires. Their work will be on a vaster scale than that of any philanthropy, and being self-supporting, is permanent. No agency can be more powerful for the public health except that of the National Government.

*Legislation.*—The committee of one hundred has aided certain legislation in the States, some of which would not have been passed without its aid, notably the law in Connecticut for the "sterilization of degenerates." It has since laid the foundations for national health legislation which it is hoped to pass in the present session of Congress.

These foundations are as follows:

The interest and indorsement of the great men of the nation.

Formal indorsements have been received from former President Roosevelt and President Taft, a large number of Congressmen, Mr. Bryan, and a large number of governors of States.

Resolutions of indorsement from important organizations:

Labor organizations, such as the United Mine Workers of America, the National Grange; insurance organizations, such as the Associated Fraternities of America.

Medical and sanitary associations, such as the American Medical Association, and the American Public Health Association, and about a score of others.

Patriotic societies, such as the National Municipal League, some chapters of the Daughters of the American Revolution, etc.

The Ohio state legislature passed a special resolution favoring the establishment of a national bureau of health.

The party platforms of some States, such as Ohio, Delaware, and Connecticut, contained planks favoring such legislation.

The national party platforms of the Republican, Democratic, and Independence League contained our health planks.

These are the first instances of health planks in political platforms, and they were inserted in the face of much opposition through our efforts in cooperation with the American Medical Association.

President Roosevelt advocated our legislation in two of his messages to Congress and submitted our proposals to his commission on the organization of scientific work of the Government, which reported back favorably and drew up a bill. This, however, was never passed, owing to certain opposition, which need not be described here.

President Taft has not only indorsed the work in letters to the committee and also several public speeches, including his speech of acceptance, but he has also done so in his recent message to Congress, as well as by giving us assurance that he would send a special message to Congress later.

He submitted to our committee the plan proposed to him by the Surgeon-General of the Public Health and Marine-Hospital Service, for health legislation, and has asked for our own suggestions. The latter for the most part he has accepted. Our organization and the American Medical Association were the two organizations to which he has given most heed.

When President Taft sends his special message to Congress with an administration bill to carry out his plan, there will remain only the task of securing votes to carry out the proposal to which the Republican party and the President are committed. The President's interest in this matter is very active, and he desires to mark his administration by the establishment of a great health organization.

The results achieved under the head of legislation are of little value unless they can culminate in the passage of President Taft's proposed bill.

It was largely through the influence of the committee of one hundred that the passage was inserted in the recent tariff bill prohibiting the importation of cocaine.

These results have been brought about through the following organization:

The committee of one hundred itself was organized in consequence of the vote passed by the economic section of the American Association for the Advancement of Science at its summer meeting held in Ithaca in 1906. It was organized in April, 1907. Its chief subcommittees are the executive committee, the committee on legislation, the committee on finance, and the committee on publicity.

The committee of one hundred has affiliated organizations as follows:

(A) The American Health League, consisting of an enrollment of 25,000 persons, with numerous local advisory committees. The functions of the American Health League are:

(1) To support financially the work of the committee of one hundred; (2) to mold public opinion locally; (3) to impress Congress.

(B) The Author's League of 1,000 writers on hygiene and allied topics. The function of the Author's League is to write articles in support of the object of the committee of one hundred.

(C) The press council of 100 leading editors, the function of which is to enlist the interest of the press.

*Special organizations.*—The American Health League of Ohio has been given a special separate charter and has created its own "committee of one hundred in Ohio," and has been active in health matters for that State. The active spirit and secretary is Mr. Ben LaBree, jr.

A special secretary for Massachusetts was appointed in the person of Dr. Charles H. Bangs, of Lynn.

Many field secretaries have been appointed and the local advisory committees, so far as they have been organized, have had their own officers.

The committee of one hundred and its American Health League have absorbed the former Public Health Defense League, the Colorado Association for Medical Legislation, and the National Mosquito Extermination Society.

The American Health League assisted in the formation at Chautauqua in the summer of 1909, of the Health and Efficiency League, to act in affiliation with the American Health League, its special sphere being personal as distinct from public hygiene.

It should be stated that the extended organization of the committee of one hundred, i. e., the American Health League, its local advisory committees, etc., has been a disappointment. Financially it has not been of much assistance, since it has cost, in sending out literature, bills for unpaid \$1 dues, etc., practically as much as it has brought in; but there has been much cordial cooperation in individual cases and places. The chief work has been done, however, by the committee of one hundred itself, and its chief workers have been the members of its subcommittees. The present subcommittees are the following:

Executive committee: Prof. Irving Fisher, New Haven, Conn., chairman; Dr. Thomas Darlington, New York City, health officer; Mr. Lee Frankel, New York City, manager of the industrial department of the Metropolitan Life Insurance Company; Mr. Byron W. Holt, chairman of the Tariff Reform Commission Reform Club; Dr. J. N. McCormack, Bowling Green, Ky., "organizer" of the American Medical Association; Dr. Richard C. Newton, Montclair, N. J., writer on hygiene; Dr. George J. Fisher, New York City, head of the physical training department, Y. M. C. A.

Legislative committee: Hon. George Shiras, third, Washington, D. C., chairman, formerly Congressman from Pennsylvania, son of Justice Shiras, of the Supreme Court; Miss Mabel T. Boardman, Washington, D. C., member executive committee, Red Cross Association; Dr. Geo. M. Kober, dean of the Medical School, Georgetown University; Dr. Wm. C. Woodward, health officer, District of Columbia; Dr. Z. T. Sowers, physician, Washington, D. C.; Dr. J. J. Kinyoun, bacteriologist, department of health, District of Columbia.

Publicity committee: Mr. Byron W. Holt, New York City; Prof. Irving Fisher, New Haven, Conn., executive secretary of the committee of one hundred.

Finance committee (now being reorganized): Mr. Lee McClung, formerly treasurer of Yale University, has been chairman of this committee until made treasurer of the United States.

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CAMBRIDGE, MASS., *January 6, 1910.*

MY DEAR SIR: I have a very strong sense of the value of the work already done by the committee of one hundred on national health, and of the importance of the work immediately before it, namely, the creation of a national bureau of public health, with a commissioner of health at its head. To accomplish this great task will require considerable expenditures for educating public opinion and bringing influence to bear on the members of Congress. To accomplish these objects money is needed, and your estimate of \$40,000 as the amount which the committee need at once seems to me reasonable and moderate. I have contributed myself according to my means, and I am eager to urge every public-spirited man to do likewise, who realizes that the health of the population is the great promoter of industrial efficiency, and public and private happiness.

I am, with great regard,

Very truly, yours,

CHARLES W. ELIOT.

Prof. IRVING FISHER.

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COLUMBIA UNIVERSITY, IN THE CITY OF NEW YORK,  
SCHOOL OF POLITICAL SCIENCE,  
*February 12, 1910.*

Prof. IRVING FISHER,

*New Haven, Conn.*

DEAR PROFESSOR FISHER: As I recall the first meeting of the committee of one hundred which I attended, and remember the modesty of the plans there decided upon, I am astonished to think how the movement has grown and what important results have already been accomplished under your direction. The community is certainly aroused as never before to a sense of the importance of the national health. We seem within the sight of the goal—the organization of a strong bureau or department of health in the National Government. Yet to win this goal, even greater exertions than have yet been put forth are necessary. To marshal all the forces that can be brought to bear upon Congress, to secure the necessary legislation costs money as well as time and effort. Your estimate of \$40,000 as the amount needed seems to me entirely reasonable.



I am only sorry that I can not make a larger personal contribution to the cause.

With high appreciation of the work you have done,

Very truly, yours,

HENRY R. SEAGER.

"I am keenly interested in the establishment of the new bureau of health. There is no doubt in my mind that this is one of the most vital and important works into which the Government can wisely enter. \* \* \* I am heartily in sympathy with the idea to raise a fund for campaign work."—Edward Bok, *Editor Ladies' Home Journal*.

"I regard the plan of President Taft as distinctly the best proposition that has been offered, and I trust sincerely that it may be brought to a successful termination. That a country of the importance of the United States should be without a central health organization is to me most remarkable. It is, in so far as I am acquainted with conditions in other governments, a unique state of affairs, and I sincerely hope that it will soon be at an end."—Director A. C. Abbott, M. D., Laboratory of Hygiene, University of Pennsylvania.

"I recognize the urgency of the situation and the tremendous good that would come to the nation through the establishment of an efficient bureau of health."—John Mitchell, New York, N. Y.

"I think the proposed bill will mark a most important period of constructive statesmanlike legislation."—Rev. W. G. Eliot, jr., Portland, Oreg.

"I am delighted with the progress that is being made. \* \* \* If we were on the verge of war people would consider it very proper to ask for funds for the national defense, but certainly this war with disease is infinitely of more importance than any war that could come from any other enemy. If the people could only see this, I feel they would respond promptly with funds sufficient to cover the very modest sum that is required to battle with this, our greatest enemy. If we do not secure the help that is needed, the victims in this battle will far exceed those that come from any war however terrific it may be, and if the help comes, as I believe it will come, the economic saving to the nation will, of course, be justly estimated in millions and millions of dollars, and what is infinitely more important, in the saving of human life, and add to the happiness, strength, and power of untold millions, not only of this generation, but of generations yet unborn."—Judge Ben B. Lindsey, Denver, Colo.

"I have no words to express my deep sense of the importance of the movement. \* \* \* I also appreciate that this is the psychological moment. I think there never has been any public measure in which I have been interested that seems to me of such fundamental importance, and I shall be profoundly disappointed, and indeed depressed, if all these plans which seem now so near fulfillment should miscarry or should be much longer delayed."—President G. Stanley Hall, Clark University.

"Please find inclosed my check \* \* \* to help the cause along. I am in full sympathy with the work and only wish I were able to give one hundred times as much.

"The man who endows a hospital does a noble work, but the good which he does is not to be compared with the work of that man whose generosity largely aids in decreasing the necessity of having hospitals. You and I realize the truth of all this, but the trouble is that the men who are giving their millions for universities, libraries, and hospitals do not realize it, and I believe it is our duty to try and make them realize it.

"Of all the propositions for the conservation of human life and for maintaining the health of our people, by far the most important is the establishment of a bureau of health by the National Government—one that shall be broad and comprehensive in the scope of its work." Hiram J. Messenger, actuary, Travelers Insurance Company.

"I inclose check. \* \* \*

"I wish it were a thousand times as large, and that I could induce a dozen of my friends to see, as I do, that the most important object to work for at this moment is the health of our people, which is being more seriously undermined than is generally understood. He will help twice who helps quickly in this campaign." Ellen H. Richards, chairman board of directors Health Education League.

"I am with you heart and soul." Walter H. Page, editor *The World's Work*.

"Your most interesting letter, every word of which I am in sympathy with, is received.

"President Taft's plan for health reorganization is a good one, and if it only could be carried out great good to the country would result." J. N. Hurty, M. D., secretary Indiana State Board of Health.

"I fully agree with you that the incorporation of health planks into the platform of the political parties is a great step forward. The preservation of public health is one of the primary purposes for which political parties should exist.

"With best wishes for the success of your movement." John F. McNamee, editor and manager *Brotherhood of Locomotive Firemen and Enginemen's Magazine*.

"Everywhere I go over the country I find intelligent people are becoming thoroughly awakened to questions and problems of public health, and I think your work is entitled to principal credit for the development of this general interest." Prof. M. V. O'Shea, Madison, Wis.

"The campaign against disease and untimely death which your committee is waging should certainly appeal strongly to many of our philanthropists who seem to be seeking a way to use their money for the benefit of the human family. The sum you need is relatively so small that it seems it should be raised among these gentlemen without difficulty if they could be made aware of the importance of the work. \* \* \* I congratulate you upon the good so far accomplished." E. E. Rittenhouse, president Provident Savings Life Assurance Society.

### STATEMENT OF DR. CHARLES A. L. REED.

Doctor REED. I live at Cincinnati. My official position is chairman of the legislative committee of the American Medical Association. I appear this evening in that representative capacity.

In endeavoring to impress the committee of the importance of this subject, let me call your attention to the fact that you were in session this morning practically two hours. During that time in the United States 120 American citizens died from preventable causes. We are here this evening to ask you to do your part toward stopping that loss of life. The figures that I give are based upon the fact that the annual death roll from preventable causes aggregate something over 600,000. You may make the computation yourselves. Now, Mr. Chairman, it has been asked, what is the American Medical Association? The American Medical Association is an organization of physicians of the United States. It consists of a national body, of state bodies, and of county bodies. The county is the unit of organization. I think it is exceedingly important that you should understand this question, because by understanding it you can understand by virtue of what sort of consensus I am here to speak to-night. The aggregate membership of the American Medical Association in these various bodies that I have enumerated is in the neighborhood of 80,000 educated physicians of the United States. Nineteen years ago in this city that association—the national body—adopted a resolution in favor of some such measure as this—in other words, in favor of a department of public health with a secretary in the Cabinet. For legislative purposes we have a national committee on legislation, consisting of three members; we have a national legislative council acting in cooperation with that small body, which legislative council consists of one representative from each medical association; and we have a national auxiliary legislative committee consisting of one member in each county. Therefore, when we desire to secure a con-

sensus we send our communications into these various counties and await the replies; and it is by virtue of a consensus thus arrived at, and repeatedly arrived at, that I am here to-night to advocate a department of public health.

The opening remark, I think, must impress you with the importance that something should be done. If in the course of a single year every officer and man in the United States Army and every officer and man in the United States Navy were wiped off the face of the earth from preventable causes, you would give attention to the matter. Precisely that thing, three times over, is occurring every twelve months in the United States. It has been going on for a long time; it is scattered over a vast area and therefore attracts comparatively little attention. The fact is there nevertheless.

Senator SMOOT. Where do you get your statistics?

Doctor REED. From the Bureau of Vital Statistics.

Senator SMOOT. Preventable diseases?

Doctor REED. Yes, sir; from preventable diseases. They are preventable, and the computation is based upon the fact that the registration area is but a little in excess of half of the population of this country, and the figures I have given, which, with your permission, I will file as a supplement for publication here, are from the Bureau of Vital Statistics.

Senator SMOOT. I will be very much obliged if you will do it.

Doctor REED. Yes.

Senator SMOOT. Who makes these reports?

Doctor REED. The reports are compiled in the Bureau of Vital Statistics of the Department of Commerce and Labor, and they are derived from various state governments and are transmitted, as I understand it, to that bureau. I am not familiar with the technique of that operation, except that I know in the State of Ohio, where we have but recently adopted the registration law, that that seems to be the method of operation. In other words, burial permits are issued only on a return signed by a physician, the officer who makes the primary recommendation, and that is transmitted to the secretary of state, and the secretary of state transmits it to Washington. It is a matter of cooperation between the state and federal authorities.

Now, Mr. Chairman, we have stood from the beginning upon the platform that one of the most important considerations underlying this question is one that has been emphasized here with so much force by Doctor Welch and by Professor Fisher, namely, the moral and educational force that will be given to the health idea by giving it an improved status in the departmental scheme of our Government. We recognize the fact that efficiency has a certain relationship to status. I think that is very aptly illustrated at Panama. And I am very sorry that the Senator from Kansas is not here, because we both happened to be on the Isthmus at the same time a few years ago, and at that particular time I happened to find that the sanitary administration upon the Isthmus was practically tied, hand and foot, because it was subordinated in the sixth degree from the primary source of authority, namely, the President of the United States. In other words, Colonel Gorgas, who was sent over to solve the sanitary problem underlying the great enterprise on the Isthmus, could not do anything until it had passed through four or five different hands, not one of which had the technical information to understand the



problem that was really involved. My report upon that question is on file.

Senator CRAWFORD. He accomplished the results, but they say down there he spent an enormous sum of money.

Doctor REED. Yes, sir; he did. I think it was the most——

Senator CRAWFORD. They could not have built the canal if he did not.

Doctor REED. He accomplished the result and was able to accomplish the result when the President, by executive authority, made him a member of the commission and gave him coordinate authority with every other member of the commission on the Isthmus. That is what we want done here in the national sense, precisely the same in principle. Now, as an illustration——

Senator SMOOR. Doctor, you will find a little trouble in making a comparison of that kind for the reason that down there it was necessary that he be given that power on account of direct action; that is, that certain things had to be done. The power had to be given to somebody by the Government to do it; but the Government could not give anybody power to do that in the States.

Doctor REED. We want the same principle applied to the fullest possible limit in the States.

Senator SMOOT. But you can not do that.

Doctor REED. The principle obtains.

Senator SMOOT. I did not quite catch your understanding. But you do not mean——

Doctor REED. Senator, I would be gratified——

Senator SMOOT. Now, I am in full sympathy with the idea that you stated as to the authority which may be given to the proposed bureau as to action of that sort upon any certain thing. That ought to be done. Any man will do better work. There is not any question about that; but this is the question: In regard to a department, if the head of that department will only have certain authority, that authority can not be applied to actions such as are done at Panama.

Doctor REED. Possibly there must be a different method of arriving at results, but the principle that is involved is the same—that the man in possession of the technical knowledge which gives him a scientific comprehension of his subject and his problem should have the executive authority to enforce that knowledge and not be overridden by a man who has no such technical knowledge, and consequently no such comprehension of the importance of the subject.

Senator SMOOT. That would be true, not only as to a department but as to a bureau, too.

Doctor REED. Not if you had a man at the head of that department that overrides the head of the bureau, just as we are now having it done.

Senator SMOOT. You mean we are having it done?

Doctor REED. Now.

Senator SMOOT. In what way, Doctor, is this done? Just explain.

Doctor REED. Well, I am not personally conversant with those facts. I am quoting facts that were quoted in the meeting last night. I give my source of authority, and I have the memorandum next on my sheet here to approach that subject, so that we are proceeding along the regular lines.

Senator SMOOT. If you do not want to take it up now, you can do so in order.

Doctor REED. I am just to it.

The bubonic plague broke out in San Francisco on the 6th day of March, 1900. I am now quoting from those who are conversant with the facts and with the records. This matter was brought to the attention of the Bureau of Public Health and Marine-Hospital Service. The Bureau of Public Health and Marine-Hospital Service, in perfectly natural response to the obligation thus imposed upon it, attempted to discharge its duty to the fullest possible degree. Circumstances seemed to indicate that the reversal of the policy of that bureau came from higher up. There is a question for the committee to investigate, and it is entirely within the line of your duty, it strikes me—pardon me, I do not want to go so far as to assume to suggest the duty of this committee—to ask the Secretary of the Treasury to come here; to summon the then Secretary of the Treasury, if he is summonable, to explain that transaction by which infected ships were sent from the port of San Francisco to infect the ports of a neighboring nation—circumstances alluded to in Senator Owen's speech that simply because, as we seemed to understand it, the Bureau of Public Health and Marine-Hospital Service was not permitted to discharge its duty as it saw it and as it attempted to do. That is what we mean.

Senator FLETCHER. Was there any excuse given at all, that you know of?

Doctor REED. I have never heard of one. There may have been, but it escaped my notice. Those are questions that need to be investigated.

Senator CRAWFORD. Now, this is a matter I will confess ignorance of, but to ask questions is the only way to learn. What relation has the Secretary of the Treasury to the Bureau of the Public Health and Marine-Hospital Service?

Doctor REED. They are in that department.

Senator CRAWFORD. They are in that department?

Doctor REED. Yes, sir; last night the head of the bureau was unable to express himself before the conference of all the States of the Union through their boards of health, because he had no permission from the Secretary of the Treasury to discuss the question. That is the humiliating status of the national administration of health in this country to-day, and it is against this thing that we are now protesting.

Senator SMOOT. I can see some reason for that. I do not see any reason for the other.

Senator OWEN. I explained it more fully on the floor of the Senate, Senator—the reason why this occurred.

Senator CRAWFORD. What is the connection between the Treasury Department and the Bureau of Health?

Doctor REED. We have been trying to find that out for forty years.

The CHAIRMAN. I think, if you will excuse me just for a moment, that bureau was for marine matters and quarantine matters in connection with the customs duties.

Senator SMOOT. And foreign trade and foreign relations.

The CHAIRMAN. And immigration.

Doctor REED. Now I will reply a little further to the Senator. The explanation which seems to be justified by circumstances I trust this committee will bring to the surface before it is through. Commercial interests in San Francisco controlled the then commercial health officer of the United States, which commercial health officer was the Secretary of the Treasury. I think that line of investigation will strike pay dirt.

Senator SMOOR. That same thing, Doctor, could happen—if it is true—with a man that may stand at the head of the department of health. The same interests could control him and through his actions obtain the same results. If such a thing as that has happened in the past, it may happen in the future with a man at the head of the department of health.

Doctor REED. Probably a little less likely, because they would be on the side of the health of the people of the United States; there was probably a lack of technical appreciation of the exact situation and of just exactly what it meant that he was probably more disposed to yield, if he did yield, to commercial considerations than he would have done if he had been invested with the direct responsibility for those results, because nobody thinks of holding the Secretary of the Treasury responsible for the actions of the Bureau of Public Health and Marine-Hospital Service, and yet that authority is there. It is exercised, as is demonstrated right now by the existence of executive authority by which the head of that bureau is not permitted to speak in public upon questions of public health and questions relating to his service. Now, it is that precise situation that we desire to get rid of, so that the health administration may have a free hand in this country.

Now, Mr. Chairman, we plead for this change under the law of precedent. A number of the bureaus that were originally constituted have developed into departments. The Bureau of the Interior preceded the organization of the Department of the Interior. The Bureau of Agriculture preceded the organization of the Department of Agriculture. I think there were bureaus of commerce and bureaus of labor before the Department of Commerce and Labor was finally evolved. We have been in the bureau stage of development for something like one hundred years. We ask now that the next step of evolution be brought about and that this great interest that touches every man, woman, and child in the United States be given adequate recognition in the departmental scheme of the Government. And now let us get down to brass tacks.

This bill contemplates transfer and coordination, as nearly as possible without entire distribution and disturbance, of existing public-health agents of the Government.

Senator CRAWFORD. What do you mean by transfer? Coordination, I understand? How are you going to transfer?

Doctor REED. We will come to that in just a moment. For instance, the present bureau of health, so called, consists of several agencies within itself. For instance, there exists the Marine-Hospital Service, a service quite by itself; then there exists the hygienic laboratory. Then, I think, there is the quarantine service. Three agencies within that bureau, comprising as many divisions; it seems to me that each of those divisions has arrived at a point where each is entitled to recognition as a separate bureau; and if we are going



to stimulate and develop the various health agencies, we must keep them developing along the ascending line, and not send them downward.

Then I come to the Senator's question: Where are we going to transfer these from? Well, for instance, if you are going to have a public-health department, you must have in it all the public-health agencies—ought to have in it all of the public-health agencies in this country.

There is the branch of the Bureau of Chemistry, which has to do with the enforcement of the pure food and drugs act; that is a public-health agency. At present that bureau is under the Department of Agriculture, and under the proposed department of health can be more readily effected.

And now I come to the question of cost. I do not want to anticipate myself just there. Then, too, the Meat Inspection Bureau and the Bureau of Animal Industry is a health agency. It ought to be in the hands of a health administrator.

Now, we take up the question of coordination. We have the laboratory of hygiene in the present bureau of health. We have the chemical laboratory in the Agricultural Department; we have a laboratory in connection with the meat-inspection department. Let us consolidate all of these laboratories into one laboratory in the health department. I am sure by this that we will save a perfectly enormous appropriation, if these various and sundry purposes of economy could be carried out. It is possible to effect by that one method a saving of several thousand dollars annually as a matter of administrative economy. I am further advised that the Secretary of Agriculture quite approves of this change, and quite appreciates the economy that could thus be realized in the work of the administration.

Senator FLETCHER. Is that the duplication the chairman asked about?

Doctor REED. There is a certain duplication of work that is going on; duplication of personnel, duplication of equipment, and a great amount of work being done in three laboratories where one laboratory ought to do the whole thing—the laboratory of the department of health.

The CHAIRMAN. Is there enough in all of them to keep them all occupied?

Doctor REED. Yes; but the work is being duplicated, and I am advised that there will be a very material reduction in the aggregate personnel.

Senator BRISTOW. What work is being done—that is, the same work by two different bureaus or divisions?

Doctor REED. Well, for instance, the investigation of food values could be taken up just as well by the laboratory of chemistry, as it is now being done in the laboratory of the Agricultural Department. There are—

Senator BRISTOW. Food values—to what extent is the food value—

Senator SMOOT. The analyses of them. I understand, however, Doctor, that just as many men would have to be in their employ.

Doctor REED. Well, I am advised only to-day—

Senator SMOOT. I meant just as many men would have to be employed, providing they consolidated, as if separate, as they are at the present time.

Doctor REED. That may be quite correct.

Senator OWEN. If they were, they could accomplish more by not duplicating work.

Senator SMOOT. Senator Owen, I had occasion some time ago to go into the subject, and I will state what brought it about was the analysis of paper down here at the Printing Office. I thought they were doing duplication of work there, and I went into the whole question, and I found out that there was not a duplication of work—that is, if the testimony of the heads in the departments was correct. There may be as to overhead charges.

Senator OWEN. I think if there is duplication, that cultures are being prepared on the same line, because they are doing the same work.

Senator SMOOT. There may be, as I said, a saving in overhead charges.

Doctor REED. I am advised that the governments of Europe have general government laboratories and that the segregation of laboratories, such as is done by our own Government, is not carried on.

Now, the question of the expansion and usefulness of the Bureau of Public Health and Marine-Hospital Service comes to me. It is an individual conception of mine that through that service there ought to be furnished to various eleemosynary institutions that ought to be transferred to the department of health. Medical service ought to be furnished from the department. That is a detail, however, I shall not insist upon. But it points, to my mind, both in the direction of economy and efficiency. Now, the question of economy can not be very well gone into in all of its details, because of the absence of information that is available to one, at least, in my position. Such information as is available is suggestive of great possibilities in the direction of administrative economy, and the enormous appropriations are not now adequately spent through any channel that I can reach to enable me to go into this. For instance, we have the very large appropriation—there is one little question that I want to come to first. It was asked about taking the medical officers out of the Revenue-Cutter Service, contemplated in this bill. Senator Martin, I think, raised the question this morning. They already belong to the Marine-Hospital Corps, and are there in the Revenue-Cutter Service by detail, and that points to a difficulty in understanding expenditures, because it makes it very difficult to understand it from the appropriations made for those purposes. For instance, the estimate for the Public-Health and Marine-Hospital Service is based upon the straight salaries of all these various attachés—the entire personnel. Then you have an appropriation made for the Revenue-Cutter Service, which contemplates also the medical service being rendered by detail from the Public Health and Marine-Hospital Service. When that detail is made, then the pay for the officers of this detail comes out of this revenue-cutter appropriation, and the appropriation previously made from the Public Health and Marine-Hospital Service for that particular purpose is credited. So that it is very difficult to determine exactly where these appropriations begin, where they end, and where they overlap. Then we find that

for the straight appropriation of the marine hospital—first, the office of the Surgeon-General calls for \$40,980; then the marine hospital and other features of it call for \$750,000 and \$350,000 additional. I beg your pardon. The amount should be \$750 and \$350 for improvements.

Well, then there is an appropriation for Revenue-Cutter Service of \$2,480,000, and it includes these commissioned surgeons, but the estimate for the salaries of these commissioned surgeons was also included in the appropriation item for the Public Health and Marine-Hospital Service of \$1,266,750. Then we find that there were appropriations made for the leprosy hospital in Hawaii of \$50,000, and we have the item of \$400,000 made for quarantine service, and here, as I understand it. I may be misinformed as to this particular item. When details are made for the quarantine service, then, in turn, salaries for this detail come out of the quarantine fund. This ought to be explained to the satisfaction of the committee, so as to show where economies can be made, and where they can be made practically.

Senator SMOOT. You have the items and the estimates. They would all be explained.

Doctor REED. I have the appropriation bill.

Senator SMOOT. The bill, as you say, gives the lump items; but the estimates that are presented by the heads of the departments will show all the details.

Doctor REED. Is that available?

Senator SMOOT. It is not, I understand, for general distribution.

Doctor REED. I would like to make a study of the subject, if available.

Now, we have here a most extraordinary thing. Seven hundred and fifty thousand dollars for the epidemic fund. What do you mean by \$750,000 for an epidemic fund? Is it to cure epidemics in the United States?

Senator SMOOT. There may be epidemics; if it is not used, it reverts to the Treasury.

Doctor REED. But it is used.

Senator BRISTOW. The only way is to find out what has been done with it. It may be spent and it may not.

Doctor REED. That is a question we want to have settled, and I simply suggest it as a line of inquiry for this committee to go into, in looking into those questions.

Senator CRAWFORD. That depends upon what you mean by an epidemic.

Doctor REED. In consequence of the failure of the Public Health and Marine-Hospital Service, under the influence of the Secretary of the Treasury, to control the bubonic plague on the Pacific coast, with a large amount of money presumably to be expended on the Pacific coast at this time. That is, to experiment on ground squirrels and the rodent generally that are known to be infected.

Senator SMOOT. This \$750,000—that may be entirely used for the prevention of epidemics?

Doctor REED. Yes.

The CHAIRMAN. That is what is spent?

Doctor REED. We asked, for instance, the health officer of California what share of cooperation he is securing the Federal Government, and he states he is getting \$10,000 a month in California. We



asked the health officer of Washington what help he is getting, and we understand that some men were detailed; salaries were paid, a few of them for a few months. So far as any available public information is concerned, this expenditure of this item is totally unexplained. I am not making any charge of dishonesty. I would not think of that for a moment; but I am only speaking of the necessity of having detailed information for studying out this question intelligently, the objects of which, it strikes me, are very apparent.

Now, I will go over these various items and discuss them. We find that there are perfectly enormous sums being expended upon public health. For instance, in the Interior Department the care and custody of insane in Alaska ought to be under a department of public health. We have the Government Hospital for the Insane, for which you appropriated \$167,300. We have the Columbia Institution for the Deaf and Dumb and the Howard University, the Freedmen's Hospital, and the Indian Service. Then there are physicians to be appointed for the 10 or 12 ships to be furnished with medical service without expense; and that certainly ought to be under the direction of somebody who is calculated to give it the most intelligent supervision possible, and that is the character and scope of the bill, as I understand it, without reference to any of these details, many of which can not very well be included, to my mind; and I have offered these as suggestions to be considered by the committee.

Then you take, for instance, in the Department of Justice and the various hospitals in that department of the Government, and then there are various particular relations, such, for instance, where we are contributing to the maintenance of an international office of public health, and then we are financing an international course of hygiene and democracy. We ought to have a dignified health service in this country to welcome the great sanitarians of the world when they come here to discuss these questions.

Now, Mr. Chairman, I have called attention to a number of these possible changes, indicating the line of possible economy, the line of possible increased divisions, the lines certainly of increased moral and educational influence of the health interests in this country in the departmental scheme of the Government. I am perfectly well aware that a hearing such as this does not formulate a bill. You are the legislators; you are to formulate this bill. I am perfectly willing to come here at any time and sit down with this committee in a work-room and labor as zealously as I can to assist in formulating any bill which will give this country the adequate protection to which it is entitled.

Mr. Chairman, I thank you very cordially for your attention.

Senator BRISTOW. Doctor, I came in late. Have you submitted to the committee a list of these various provisions in the various departments and appropriations for each?

Doctor REED. I would like to do that in detail, if I may.

The CHAIRMAN. It would be very well to do that either by filing a paper or revising the notes.

Doctor REED. I can prepare this and send it in to your secretary. When he sends me the notes, I will supplement that by submitting these statements.

**STATEMENT OF BRIG. GEN. H. TORNEY, SURGEON-GENERAL  
U. S. ARMY.**

Senator OWEN. I would like to call General Torney, the Surgeon-General of the War Department.

The CHAIRMAN. General Torney is present, and we would be glad to hear from him.

General TORNEY. Senators, do you wish me to appear as a member of the Association for the Prevention of the Pollution of Rivers and Harbors, or in my official capacity as Surgeon-General?

Senator OWEN. Both capacities, Mr. Surgeon-General. We would like to have your opinion as to the advisability of a department; whether it is feasible, in your judgment, or not.

General TORNEY. I have already expressed myself on other occasions as to the nature of this bill and as to the advisability of its enactment. I believe some time ago there was some statement made that the War Department, or I believe the medical department of the War Department, was opposed to its enactment. I want to state positively that it is not so. We are entirely in accord with the purposes of the bill and hope that it will pass Congress, because the improvement of the public health means also the improvement of the sanitary conditions of the military service. Our posts are located near the cities, and where we have good health conditions in the cities we will have good health conditions in the army service.

Senator BRISTOW. General, do you think that your work in your division of the War Department should be transferred to this department of public health?

General TORNEY. No, sir; we are essentially a military administration. The lines of the organization of the army and administration of the army are entirely different from those of civil administration. We must have obedience; we must have subordination; we must have coordination within our own service. Every officer of any military service must be ready to obey orders of his commanding officer. Frequently they are not in accord, and certainly in time of war, with the idea of the civilian enforcement of law.

Senator BRISTOW. And the same would be true of the Navy Department, would it not?

General TORNEY. I think so.

Senator SMOOT. Then, if we have a department of health, the Navy and War Medical departments, as they are now, would object to any authority of that department over them?

General TORNEY. On that—

Senator SMOOT. Both the Navy and the War departments.

General TORNEY. I do not quite understand you, Senator.

Senator SMOOT. If we should create a department of health and establish that in this connection with a member of the President's Cabinet at the head of it, then your department and that of the navy—those two departments—would object if we tried to transfer you into this new department?

General TORNEY. That would not be possible in a military organization.

Senator OWEN. This bill does not propose to do that.

Senator SMOOT. I was just questioning him as to his opinion as to the real situation.

General TORNEY. The Medical Department of the Army is a bureau of the War Department, and under the Secretary of War.

Senator CRAWFORD. You could not be under the Secretary of War and under the secretary of the department of health in a civil field?

General TORNEY. No, sir; we most certainly could not.

Senator CRAWFORD. Well, I do not understand that that is contemplated.

Senator OWEN. It is not with either the War or Navy departments.

General TORNEY. In regard to that question——

Senator SMOOT. Just before you leave that. What would be your idea as to the medical officers of the Revenue-Cutter Service?

General TORNEY. I really have no knowledge of them, Senator. I am not acquainted with that service at all. I do not know what their functions are. I suppose the Surgeon-General of the Navy or the Surgeon-General of the Public Health and Marine-Hospital Service could give you that information.

Senator OWEN. The Surgeon-General of the Navy is here and we will hear from him in a few moments.

General TORNEY. Mr. Chairman, there is one topic which has not been mentioned before this committee. I am a member of the Association for the Prevention of the Pollution of Rivers and Waterways. It is a most important project. I have been requested by the chairman of this association to present to you to-night his views as to the desirability of incorporating in the bill something relating to this subject.

Senator OWEN. That was put on file this afternoon, General.

General TORNEY. He told me that he would like to have it presented to the committee, and I will read it in part and not in whole.

Senator CRAWFORD. Who is the chairman?

General TORNEY. Mr. Hendrick.

The CHAIRMAN. I might suggest, General, as that is going to be printed as a document to be read by the committee and by Congress, that it would be an economy of time to have it printed without reading. If there are comments that you desire to make we will be glad to hear them.

General TORNEY. There are some parts of this, Mr. Chairman, that are not incorporated in that which is presented to the committee.

The CHAIRMAN. Very well; you may read it.

General TORNEY. It is that part that I would read. I would like it to be understood that my appearance before the committee is not in my official capacity as Surgeon-General nor as an individual. Last, I desire to say that I give my hearty approval to the bill as presented by Senator Owen. I represent the National Association for the Prevention of the Pollution of Rivers and Waterways, and at the request of the chairman, a distinguished sanitary engineer, Mr. Calvin Hendrick, who is in charge of the great sanitary purification and drainage system which is being installed in Baltimore.

The existence of our association indicates an obligation of the National Government in regard to the public health, which is of the utmost importance to our generation and our descendants, and as far as interstate rivers and bodies of water are concerned, it is one that evidently neither the state nor municipal boards of health can



handle. The pollution of Lake Michigan, for instance, is a matter which urgently affects the health and comfort of four millions of people divided among the four States which border that magnificent body of water, and a special organization has been formed embracing the state authorities and municipalities bordering on the lake, but without the intervention and aid of the Federal Government they have been unable, as yet, to do anything except accumulate information regarding the preservation of the interstate waterways of the nation from pollution. It can only be effected through the agency of a national bureau or department of public health, and they advise us to use our efforts to promote that important public measure. It is in accordance with this advice that the Association for Preventing the Pollution of Streams and Waterways is represented by me to-night, and desires to lend its hearty indorsement to the Owen bill. And we would like to suggest an amendment, or addition thereto, that is in harmony with the bill as introduced, and which would immediately operate to place this matter where its imminence and importance deserves.

The amendment or addition which we would suggest is the result of conferences of leading men in science, medicine, engineering, and of the Medical Corps of the Army—men of wide experience, broad culture, and eminent in their profession. They view this matter from a broad and disinterested standpoint, their one object being the prevention of the ills which menace this country through the polluted rivers and streams consequent upon the rapidly swelling population; and feeling that the National Government, in view of the many state and interstate questions and problems involved, is the proper body to initiate the work; and desire that this initiation shall be along broad, comprehensive, and unselfish lines, beginning with the compilation and codification of all existing information, gathered and compiled by the best men in their specialties that the nation can produce.

The other part is incorporated, I believe, in the paper presented by Mr. Hendrick.

#### STATEMENT OF REAR-ADMIRAL CHARLES F. STOKES, SURGEON-GENERAL U. S. NAVY.

REAR-ADMIRAL STOKES. Mr. Chairman, I have not prepared any remarks in addressing your committee to-night, because I understood that it was simply the question of my opinion as to the advisability of the establishment of a department of public health that would be asked of me. I am strongly for it, on the score of economy, efficiency, and humanity. The gain if that department accomplishes those aims—the results will reflect upon the health of the navy. As Surgeon-General Torney has said, good results along those lines would improve health conditions in the army. We can bring about sanitary conditions that are satisfactory on board ship and at our naval stations; but we can not confine our men within those limits. They must mingle with individuals in various communities with which we are brought in contact, and sooner or later acquire a fair percentage of the diseases that prevail in those respective communities.

It may be presumptuous of me to suggest something of a working basis for this department of public health, as I have not given it

very close study. The Medical Department of the Navy is not included in this department, but it seems to me that we might simulate it to the organization that exists now in the War Department in its relation with state militia. The individuals of the state militia are uniformed, as I understand it, precisely as are the federal troops. They are treated exactly as are the federal troops. Each municipality has its company or its regiment. The government has to do with the whole thing of organization. If an intrastate problem arises, the government has to do with the suppression or the solving of that problem. If that problem gets beyond the State, the State calls on the Federal Government for assistance. Now, I think, working along those lines, municipal boards of health, state boards of health, with the whole problem unified and the central department made up of experts, I do not see how there can any very serious conflict of authority arise. I think that is all I have to say.

Senator SMOOT. Doctor Stokes, what do you think about medical officers of the Revenue-Cutter Service being included in this department?

Rear-Admiral STOKES. I have little or no knowledge of the medical officers of that service, except that I have had relations with them in foreign ports. I am informed that they belong to the Public Health and Marine-Hospital Service, detailed for special duty.

Senator SMOOT. There is no doubt about it. But what I was thinking of is what effect it would have on the Revenue-Cutter Service along the line suggested by yourself as to your department. You are Surgeon-General of the Navy, and I understand you opposed the transferring of that bureau to the department of health if it should be created. Now, are the same reasons to apply with respect to the Revenue-Cutter Service that apply to the War and Navy departments?

Rear-Admiral STOKES. Ours is a military service; our work is a specialized work. We are subject to military discipline. Our duties are entirely different.

Senator CRAWFORD. Is the Revenue-Cutter Service a military service?

Rear-Admiral STOKES. It is not, as I understand it.

Senator FLETCHER. Your service is confined to taking care of your own men?

Rear-Admiral STOKES. Yes, sir; in connection with war problems and naval stations.

Senator BRISTOW. Doctor Stokes, you spoke of economy. Just what did you have in mind?

Rear-Admiral STOKES. I had in mind organization, unification, centralization. As I understand it, now each little unit has its health officer, each municipality perhaps its laboratory. Those men have to develop laboratory workers. They work along certain lines that may be suggested in that particular community. Under this central organization well-digested matters may be sent out to advise laboratory workers and save the expenditure possibly of considerable sums of money.

Senator CRAWFORD. That is all right, Surgeon-General, in theory; but the trouble would be that the municipalities and the state authorities could not be brought under federal authority, could not be bound by any command or order of the federal authority, and my experience

with them is that they are all ambitious of extending their departments. For instance, I had a little experience as governor of the State and with the militia of the State and with the health bureaus in my State, and there is always an ambition to extend their labors in other departments. If they could be brought under the federal authority and be required to obey it, your theory of unification would work out; but as long as they are independent of it I have some doubts of its working out very well.

Rear-Admiral STOKES. Do not the state troops now evolve with the federal troops in camp?

Senator CRAWFORD. The state militia work very satisfactorily.

Rear-Admiral STOKES. That is the point I had in view. Some such scheme might be worked out, I think.

Senator CRAWFORD. Well, if the state boards of health would work as well as the state militia, it would be another question.

Rear-Admiral STOKES. I have often noticed when state militia got into trouble they are very glad to turn to the Federal Government for help, and I think the department of health, in its ramifications would be the same.

Senator SMOOT. The Government makes appropriations for the state militia and they are in a way directly a part of the army of the United States.

Senator CRAWFORD. There is cooperation there a little like cooperation between state and federal governments in maintaining agricultural schools.

Rear-Admiral STOKES. The Federal Government would deal with it like it does with the interstate and the immigration problems.

Senator OWEN. We are very much obliged, Mr. Surgeon-General.

#### STATEMENT OF WILLIAM J. SCHIEFFELIN.

Mr. SCHIEFFELIN. Mr. Chairman, I have the honor of representing the National Wholesale Drug Stores Association. When the regulations for enforcing the food and drugs act was under consideration, the department—the three departments—held public hearings and the regulations were drafted and discussed. I want to testify that the working of that act—the food and drugs act of June 30, 1906—has been of immense benefit, both to the drug trade and to the public; and I believe, as a man in business, that if added power, if added authority, and if added scope were given to this act that the public and the men in the drug trade would be benefited further. Some men in the trade have objected and have said that the drug stores are sufficiently regulated as it is. To them I would reply that the cure for any evils in democracy is more democracy, and the cure for any present imperfection or hindrance in the work of this act would be to give more power with better qualified men at the head of it than at the present time. It is not working as well as it was at first.

If your committee is going to investigate certain of the questions submitted with regard to these matters I hope they will also investigate the manner in which at this time the food and drugs act is enforced and regulated. I hope that the members of the commission may be examined who are charged with the duty of enforcing that act. I am not here to prefer charges, but I may say—



The CHAIRMAN. I will say, Mr. Schieffelin, in order that it may be understood by you and by others, that it is not within the scope or the power of this committee to make any investigation of either proposition.

Mr. SCHIEFFELIN. Can you not summon the members?

The CHAIRMAN. We have no purpose of summoning any witnesses at all or to make any investigation of any branch of the service of the Government whatever. We are simply considering the expediency and wisdom of enacting a law in relation to the public health.

Mr. SCHIEFFELIN. Very good, sir. Then I will merely state that as far as my observation goes—and I have been an attentive observer of the enforcement of this law—it would be vastly better if a man who had the authority and was a sanitarian was in charge. At the present time there is one such man, and he is overriden by another, by two others, one a solicitor and the other an analytical chemist; and if any appeal is made, it has to be to an agriculturist. On the other hand, in the case of a manufacturer of cereals, if he wishes to make any appeal or state his case, he has to go before a financier, the Secretary of the Treasury. The thing is paradoxical and absurd. It would be far more appropriate in a Gilbert and Sullivan opera than in the United States of America.

Senator SMOOT. I think that is uncalled for. I do not think that that is the right conclusion.

Mr. SCHIEFFELIN. It is profoundly my opinion.

Senator SMOOT. Certainly; and I give you mine. If I had the time, I would tell you why.

The CHAIRMAN. In considering these matters pending before this committee, we have no jurisdiction to investigate any such proposition as this.

Mr. SCHIEFFELIN. I am exceedingly glad to be able to call them to the attention of the committee. Mr. Chairman, I want to call one more thing to your attention, sir, and that is in the executive order by which heads of bureaus are prevented from giving information to anyone without the permission of the head of the department. That is an order that never would have been made by a President like President Lincoln.

The CHAIRMAN. I would suggest, Mr. Schieffelin, that a review of the departments of the Government for criticism is hardly proper in this connection. If you will just confine yourself to the public-health bill which we are here to consider, we would be very much obliged to you.

Mr. SCHIEFFELIN. The circulars that are now sent out by the Department of Agriculture demand the attention and are greatly valued—the attention of all the farmers of the country. Circulars or bulletins that would be sent out by the bureau of health would be of interest to every citizen, not only those interested and concerned in dairying or in the raising of crops, but in the raising of men. I speak with feeling on this subject, because I have nine children of my own. I have been twenty years in the drug business. I have been married nearly twenty years. I want to explain that they were not all twins. I want to repeat what I said about the impropriety and the absurdity of having to appeal to a financier for a ruling as to a medicinal serum or to an agriculturist with regard to

the standards of an extract containing crotons, drugs, in proper. To point out that there are certain things that men in the drug business know and are concerned about that ought to be known by the whole country—these things regarding the dangers to health and to the sanity of the people through the use of habit-forming drugs by unauthorized self-medication. A department of health could catch the ears of the country by bulletins and by circulars in a way that a bureau could not. A department of health could impress upon the States the necessity of uniform legislation upon this subject in a much more forcible way than a bureau of health could do.

In our own city the department of health has a greater authority than any of the other departments. And it is more readily obeyed by the public, and what the Senator said about the local department not being willing always to cooperate with the federal department, to follow its instructions, or take its analyses, would not obtain, I think, so far as we are concerned. I remember well when the food and drugs act was put in force. Several drug stores said to our department of health: "This is an interstate-commerce law; this has nothing to do with the States, and we do not see that we have got to obey it. You can not enforce it." They had a special meeting that day and they added to their sanitary code the entire regulations and provisions of the federal food and drugs act. That is a matter of local history in the government of the city of New York, a government which, for twenty years, I have had pretty close connection with. At the present time I am the chairman of the Citizens' Union.

Senator SMOOT. The board of health legislated that?

Mr. SCHIEFFELIN. Yes, sir. They had the power. Fortunately, our board of health was established at the time when a distinguished scientist and sanitarian was put at the head of it.

Now, in regard to section 8 of the proposed act. I am here to advocate the principle of this act, and to ask that your honorable committee report it favorably, but the details of the act ought to be, of course, studied with the greatest care, and amended, if necessary. I respectfully suggest an amendment to section 8.

SEC. 8. That it shall gather data concerning such matters, impose and enforce quarantine regulations; establish chemical, biological, and other standards necessary to the efficient administration of said department, and give due publicity to the same.

The word "chemical" might well be omitted from this section for the present, as the convention for the revision of the United States Pharmacopœia meets next month in this city. It is perfectly true that the method is irrational; that the task of establishing standards is great; and that some method of utilizing the experience of men in this work, that it might be well for a special bill to provide for that. I believe that eventually this department ought to have a continuous system of revision of standards. Instead of waiting once in every ten years to change our pharmacopœia, it ought to be changed by supplements at least every six months. As it is we have a decennial spasm now by which the thing is changed. It ought to be continuous, and it ought to be done scientifically.

The work of such a department would be largely educational. Information would be gathered in its own laboratory, and there the results of the department could be collaborated and it would be disseminated amongst the people and through the school-teachers and

school children. I venture to predict if this department is established that eventually the bureau of education will be added to its other duties. The chairman of the legislative committee of the American Medical Association foreshadowed that when he suggested that Howard University would come into it. I suppose it was on account of the medical school of Howard University, and, in any event, the bureau of education might be a part of it, and eventually the secretary might be known as the secretary of health and of education.

This morning the Senators asked several questions regarding the power of the Government, and, although I am a layman and not a lawyer, this afternoon I got together this.

There can be small doubt that the Federal Government has ample power, under the Constitution, to carry out any regulations needed for the preservation of health, nor are precedents lacking to prove this. May I cite the decision of the Supreme Court that if water from Lake Michigan running into the Illinois River were contaminated its flow could be forbidden. The quarantine power has been invoked, not only at the state lines, but in the middle of the State, in the case of Texas fever, nor can it be questioned that Congress is as competent to forbid the transportation of tuberculosis germs as of lottery tickets. The above questions of riparian rights, pure water in undiminished flow, public welfare, of interstate commerce, or of taxation (as witness the proposed legislation regulating and restricting the sale of cocaine to its legitimate channels by the licensing of manufacturers and dealers and imposing an internal-revenue tax upon the cocaine) all of these things are within the purview of Congress and point the way for federal action.

I appear here as a business man in favor of a measure that will help my business, and I am much more in favor of it as a citizen because it will mean untold benefit to the people of this country. I wish to indorse the principle of the measure, the establishment of a department of public health. The details in the measure under consideration will doubtless need amendment; for example, the Department of Agriculture ought not to be deprived of its Bureau of Chemistry. The question of analyzing fertilizers is too important. Of course the food and drug act ought to be under the department of health.

The CHAIRMAN. Is Surgeon-General Wyman present, we would be glad to hear him if he is here.

#### STATEMENT OF MR. WISNER R. TOWNSEND.

MR. TOWNSEND. Mr. Chairman and gentlemen, I appreciate that the hour is late and that much has been said. I shall therefore confine myself simply to two points that have been raised. First, as to the desirability of a department as against the desirability of a bureau.

A department has an initiative, has influence, has a force that can never come from a bureau. The initiative must reside in the presiding officer. Subchiefs and subdivisions may suggest to the presiding officer things that should be done, but various considerations would demand in this department that the initiative come from the head of this department and that he be skilled in sanitary matters. I do not feel that it is necessary that he should be a physician. In fact there are many arguments in favor of a department officer in the Cabinet other than a physician, but a physician should not be excluded. There is no reason why he should not be a physician of any school. I represent the medical society with 6,821 paid-up members, active members, a majority of the profession of the Empire State. In that medical society are men of all schools, homeopathic, eclectic, and allopaths, and any man who is decent and regular and willing



to do his best for humanity is admitted. They pass the same examination, and the majority of the physicians belong to what is called the regular school, but the chairman of the state board of health, the commissioner of health of the city of New York is a homeopath. If the man is an educated physician he can enter our society, no matter what school he may belong to. It does not make any difference where they graduate, provided they have the proper preliminary preparation, providing they have the proper training and could pass the proper examination.

Now, I feel very strongly that a department would carry more weight than a bureau; that a department would be a matter of far more importance to the country, and would be something of far greater value.

Now, where there is a will there is a way. A few years ago the city of New York took the initiative in securing good milk supply for its citizens. To that work, we can say, is due the fact that many lives have been saved, and that what the actuary spoke of this morning, the increase of human life, is partly due. It was stated that we had no authority to inspect dairies in other States. New York derived its milk supply from six different States. Four hundred miles away the milk is started to New York City by railroad. We were told that we had no way to control the milk supply for the city of New York. We were told that we could not inspect those dairies. We said, "Of course we can not inspect your dairies, but we can send our inspector to your dairy, and if it does not come up to the standards of our health department, when your milk enters the middle of the East River, or of the Hudson River, or when it reaches the city of New York, it can not enter New York City." In the same way a department of health could meet any situation which confronted it. I am not a constitutional lawyer. That is for the law-makers to decide, but it should be done. I believe that a department is necessary. The time has come for a department, and that your committee could do a great service to humanity and to this country by reporting out this bill.

The CHAIRMAN. We will now hear from Mr. Paul Kennedy.

Mr. KENNEDY. I really have nothing to add, Senator. I would much rather hear from Doctor Kober, if I may suggest that.

#### STATEMENT OF DR. L. H. GULICK.

The CHAIRMAN. Doctor Gulick, if he is present, we would like to hear from.

Doctor GULICK. Mr. Chairman, it is somewhat late——

Senator OWEN. Doctor Gulick, will you state what position you hold, and what your associations are?

Doctor GULICK. I am director of the department of child hygiene of the Russell Sage Foundation and president of the American School Hygiene Association.

It has seemed to me that there has been somewhat of a confusion between the executive and the other proposed functions of this department. As I conceive of it, the executive function will be relatively small and the advisory function relatively large. There are, for example, each year, each summer, in the United States about 60,000 babies who die largely because they have dirty milk; but we

do not know that completely and thoroughly. It is nobody's business to investigate; it is nobody's business to take notice with regard to this matter. It is true that each State might establish separate investigation agencies to report such matters, but it is far more economical for one department to do it. There is no institution at the present time that has taken up the reason for breathing with reference to fresh air—with reference to ventilation. The construction of all our buildings is based upon certain theories as to the physical changes in the air, which scientific students know to be false. It is nobody's business to find out those matters and bring them to the attention of the people. They are fundamental; they are vital.

We, as a people, are changing our lives from being preeminently muscular—lives of muscular activity—to being comparatively stationary. It is nobody's business to see how that changes the quantity and kind of food that a person should eat; that is not the function of the physician. A physician could not make a living at that kind of thing at all, but it is a fundamental problem.

I was director of physical training, and thus had charge of the hygienic conduct of 800,000 children in New York City for some years. We are compelling the 800,000 children of New York City to sit down five hours a day. Children are not naturally sitting-down creatures, and it alters their physiological processes. It is nobody's business to find out how that affects human growth—whether sitting down five hours per day is to result in as adequate and vigorous adult life as some other conduct. It is nobody's business at the present time; each city might do it; each State might do it; but the natural body to do it is some central body for the whole, and bulletins of this kind at the present time would be welcomed with extraordinary avidity by the people.

During my own experience, since I studied medicine, there has been a change of public opinion with reference to the interest in the vividness of human life as has never occurred before. I do not mean interest in prolonging human life, as important as that is. I mean an interest in seeing that each day shall not be merely efficient, but vivid; a consciousness that the most of the days can be a great deal better and more vivid than they are with most of us; and they can be by paying attention to things that we now know relatively little about, and the reason we do not know about them is because we have changed our habits as a people and we have not been studying what it meant.

Senator BRISTOW. Doctor, let me ask you, is there unanimity of opinion as to what advice ought to be given, or would there be a conflict of different physicians or different individuals as to what would be good for the health and what would not be good for the health?

Doctor GULICK. On some things there is a substantial agreement, but on a great many of these things we do not know; but we need evidence, and it is nobody's business to get the evidence now.

Senator FLETCHER. You might carry that very far; so far that every time a boy stubbed his toe he might want to go to ascertain where the trouble was, and how to fix it. It might be carried too far—to make the Government supervise all the physical training in the States.

Doctor GULICK. I very carefully avoided the word "supervise." Let me give a few illustrations. The schools of America are interested in this general subject in a new way. During the past winter

more than half of all the State Teachers' Associations of the United States have placed health matters on their programmes. That has never been done before. There is seeking for information, much of which does not exist. I frequently get fifty letters in the course of a day asking for information with reference to the effect of doing this thing—with reference to the physical conduct of life. Most of these questions I can not answer, because answers are not in existence; not that they could not be secured by laboratory experiment and the like, but it is nobody's business to do it. It is not the curing of diseases; it is not the length of life; it is studying the human object just as you study a gasoline engine to see how to get the most out of it; and nobody is doing that on a large scale, and that seems to me to be a great thing to do.

Senator SMOOT. Doctor, I do not believe you will find ten physicians who will agree upon any one subject in the line of food or exercise or anything else. I know years ago I was troubled very much with indigestion. I thought I would take some clippings and find out exactly what I ought to eat. The more I got of them the more views I saw, and at last I decided I would eat anything on top of earth that I wanted to, and I got well. Now, if I had followed the advice of some of the supposed best physicians in the country I would have starved to death.

Doctor GULICK. Probably. I am not pleading for the advocacy of our present knowledge, but for its inadequacy, and it is nobody's business to produce the information which we want. My grandfather—

Senator SMOOT. This information was given and is given right straight along in the country. That is, from the very best that there is in the country.

Doctor GULICK. Probably there is; yes. But the information is absolutely inadequate and based upon authority, not upon investigation—based on opinion.

Senator SMOOT. Now, Doctor, let's get down to the real facts in the case.

Senator CRAWFORD. I am intensely interested in what this man is saying. I would like to have him go on awhile without interruption.

Senator SMOOT. As soon as I get through with this I will let him continue. Now, Doctor, if this department is created this information is to come from someone, and you have got to have an opinion of some man who is in existence to-day.

Doctor GULICK. No; not an opinion, but a record of facts which that man will put together, just as you put together facts about any highly specialized commercial products.

Senator SMOOT. Well, Doctor, the conclusions are facts, and they are sometimes where men differ. I can put a string of facts up to you and I can get 10 men into this room and perhaps not a single, solitary one of them would agree as to the conclusion of those facts.

Doctor GULICK. Yes.

Senator SMOOT. Now, we have to take on this question as to the conclusion of those facts the opinion of somebody else.

Doctor GULICK. I believe not. Take the question of meat eating. Let us come down to a concrete, real problem. Professor Fisher has been working on it. Chittenden has been working on it. A good many others have been working on it. We know infinitely more about it than we knew a little while ago.



Senator CRAWFORD. The committee on high prices has been working on it also.

Doctor GULICK. Yes; I heard they had, sir.

As a result of Professor Fisher's and Chittenden's and Metchnikoff's and others' work I have modified my own quantity of proteid consumption daily, with the result that the headaches which broke down my grandfather at 35, which made my own father a semi-invalid all his life, which kept me out of college one day out of every three during my sophomore year and then made me quit college altogether, and which at times have laid me up ever since, are now practically gone. Now, that is not opinion. That is record with reference to proteid consumption, with reference to the kind of fermentation that goes on in the colon and how to stop it.

Senator SMOOT. Now, Doctor, take my own case. There never was a Sunday in the world, until I was 25 to 27 years old, that I did not have a headache.

Senator CRAWFORD. You did not want to go to church; that is the reason.

Senator SMOOT. Then I will say Monday; that would not be church day. I do not have it now. And I have not followed any diet, so it must come from some other source than that.

Doctor GULICK. Oh, meat is not the source of all the ills that human flesh is heir to. I suppose you have heard that quotation. But one and all agree on this, that the human body is subject to ills more than any other animal, that are far more complex because the elements of emotion and consciousness come in to a greater extent.

Senator SMOOT. No doubt.

Doctor GULICK. And then we can find out more about how to live wholesomely than we now know, and it is nobody's business to do it now. I desire to deny, Senator, emphatically as to its being the physician's business to know these things. The answers to most of these questions do not exist in the medical literature of any language, because it has not been commercially worth while for individual physicians to keep the laboratories to find out about them.

Senator SMOOT. I would not want you to place me in that position. I simply went this far, that it is the business of the man or physician that is going to prepare this information for the department, to be given to the people of the country, to know those things.

Doctor GULICK. Yes.

Senator SMOOT. That is as far as I went. So we do not disagree.

Senator BRISTOW. Now, Doctor, this is a very interesting theoretical discussion, but I have been studying as to what kind of advice this department would send out; and it seems to me that if you advised as to the food and diet of men, you will get into all kinds of complications.

Doctor GULICK. Oh, I know it. The editor of World's Work tried to conduct a correspondence department on the broad and necessary questions that came up, and people sent him questions, we will say, on this and that question and the other. Well, it had to be stopped right off. It is proposed to have a free, medical clinic. Just proposed, as I understand it, to find out more about the fundamental facts about sleeping, about the effect of noise during sleeping, about the fatigue curve. My fatigue curve, for example, is like that [indicating]. I mean by that that I am best right off at first. Some people take an hour to get warmed up. I have a friend who does his best

work after 10 o'clock at night. People ought to know those things, to get general information through the press, through the state officers of health, that we may all live on a better basis. To administer our schools with better regard to health. It is perfectly absurd—absurd is such an inadequate word that I do not like to use it, but I do not think of a better—absurd for a boy or a girl to go off to a high school or a college for education and come out less well equipped to live; and the only reason that it is so is because we do not know enough about how young people grow, so as to grow them the best. And it is nobody's business to find out.

Now let us find out. They are definite, tangible, answerable questions.

Then in closing I should like to make a point which nobody else has suggested, and that is the importance of human health—I am sure that is a question on which not one of us disagree at all—and in relation to other things, are so complex, that even if there is no man in the Cabinet, and if there is no department of health, there ought to be a man who is peculiarly acquainted with this subject, and when any man comes up who has the welfare of our people at his heart, his information should be at the service of the country, and that would be accomplished by having a Cabinet officer.

The CHAIRMAN. What do you think about this, Doctor: There has been a bill introduced and pending in the Senate to provide for a bureau of mines, or inspection of mines, for the purpose of investigating and discovering how best to protect the miners from disasters and all that sort of thing. Would that properly belong in that department of health?

Doctor GULICK. If it relates to the health of miners, and the protection from disaster and the like, I should say certainly.

Senator SMOOT. It not only relates to their health, but it relates to safety appliances used within a mine.

Doctor GULICK. Certainly.

Senator SMOOT. The prevention of explosions, etc.

Doctor GULICK. Yes.

The CHAIRMAN. We are very much obliged to the several gentlemen who have given us the benefit of their time and study of these subjects. The committee will now adjourn.

Mr. McCORMICK. Before the committee adjourns I would like to say that I am here as the representative of 31 state boards of health, which asked me to speak before the committee, but I am not going to do that. A resolution has been put on file. It was not read. Indorsed unanimously by the representatives of these 31 state boards, extending from the State of Washington to Florida, and from Maine to Texas.

The CHAIRMAN. We are familiar with that, and it will be printed in the record.

Mr. McCORMICK. Asking you to establish this national department of health.

Now, there are representatives here from all of these States. Most of them have to return to their homes. There are representatives here qualified to speak for these interests, who can give you information along the lines about which special inquiry has been made by members of the committee; men who have been trained for the work and speak for those bodies, who have come here from all over the United States in this interest. Therefore, I would like to ask that an-

other hearing of the committee be given at an early date, at which these questions may be further discussed. I believe it is in the interest of the health and lives of 90,000,000 of people of our country to-day.

The CHAIRMAN. The earliest that can possibly be arranged is next Thursday morning at 10 o'clock; from 10 to 12 o'clock. We will hear any gentlemen that wish to be heard at that time.

The committee will now adjourn until Thursday of next week at 10 o'clock.

(Thereupon at 10.35 p. m. the committee adjourned until Thursday, May 5, 1910, at 10 o'clock a. m.)

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THURSDAY, MAY 5, 1910.

COMMITTEE ON PUBLIC HEALTH  
AND NATIONAL QUARANTINE,  
UNITED STATES SENATE,  
*Washington, D. C., May 5, 1910.*

The committee met, pursuant to adjournment, at 10 o'clock a. m.

Present: Senators Martin (as chairman), Smoot, and Crawford.

The CHAIRMAN. The committee will not wait for the other members to come in, as the hearings are being taken down by a stenographer. The committee would now like to hear from Dr. George M. Kober.

STATEMENT OF DR. GEORGE M. KOBER, DEAN AND PROFESSOR  
OF HYGIENE, MEDICAL DEPARTMENT, GEORGETOWN UNIVERSITY,  
WASHINGTON, D. C.

Doctor KOBER. Mr. Chairman, I am not engaged in the practice of medicine, but during the past twenty years have given special attention to the study of hygiene and sanitation, and more recently have given consideration to the problem before you, as to how we may strengthen existing federal health agencies. In this study I have had the benefit of the judgment of a number of professional friends, notably Doctors Sowers, Magruder, and Woodward, Professor Wiley, and former Surgeon-General Sternberg. I appear before you as the representative of the president of Georgetown University.

We take it for granted that you need no further information concerning the necessity and importance of increased federal health activity. As a matter of fact the General Government is already carrying on a great deal of public-health work in different executive departments. The practical question which confronts us is, How may this work be rendered more efficient and beneficent? We believe remedial legislation should keep in view—

1. Concentration of all federal health agencies into one department.
2. Correlation and coordination of the work relating to human health and sanitation.
3. Investigation and regulation of health and sanitary matters in addition to those now provided by existing laws.
4. Cooperative experimental work with state health departments in some such relation as now exists between the national and state agricultural experimental stations.
5. The training and employment of experts in sanitary science who can both increase and diffuse knowledge bearing on the preservation and improvement of the health of the people.



6. The diffusion of this knowledge not only among the several departments of the Federal Government and state health officials, but also among the people in the same manner as farmers' bulletins are now being issued.

#### CREATION OF A NEW DEPARTMENT TO BE KNOWN AS THE DEPARTMENT OF HEALTH.

It seems to us that the object sought can not be attained by the creation of a new bureau or the expansion of an existing bureau, but may be accomplished by the creation of a new department, to be known as the department of health. This is not to be construed as a reflection upon the present Public Health and Marine-Hospital Service, as the fault lies in the system and not in the personnel. For reasons given by previous speakers, the head of such a department need not be a medical man nor a Cabinet officer, but, whatever his status may be, he should be responsible to the President and the Congress alone.

Senator Owen's bill indicates the various health agencies now scattered in different departments which should be concentrated into one department, with a view of securing increased efficiency and economy. All of the agencies enumerated in the bill deal directly or indirectly with human life. The bill contemplates the transfer of the Bureau of Entomology now in the Department of Agriculture. This bureau is engaged primarily in work of commercial or agricultural importance and incidentally has rendered great service in the study of the transmission of disease to human beings by insects, hence it will only be necessary to provide for a proper cooperation between this bureau and the department of health.

The chief work of the Bureau of Animal Industry is the study and prevention of diseases in animals, and since many of these diseases are communicable to man it involves public health problems of the greatest importance. This applies with special emphasis to the divisions of Animal Pathology, the divisions of Meat Inspections, and the work relating to the production of sanitary milk and dairy products.

#### BUREAU OF CHEMISTRY.

There are a number of reasons for the transfer of the Bureau of Chemistry into the new department, chief of which is that the work of the divisions of pure foods and drugs is intimately connected with the health of the nation and, while it involves ethical and commercial questions, the principal object is the safeguarding of the health of the people. In the administration of the pure food and drug law investigations may and have been undertaken of the utmost interest to the welfare of human and animal beings. Similar investigations are authorized also in the Public Health and Marine-Hospital Service, and hence there is a needless and expensive duplication of work.

It seems to us undesirable to divorce the Division of Pure Food and Drugs from the Bureau of Chemistry, and hence we recommend the transfer of the entire bureau. If this is done provisions should likewise be made for the transfer and consolidation of every government chemical laboratory into one government chemical laboratory, as is the case in Great Britain and other foreign countries.

There are now, we are informed, 16 chemical laboratories in the various executive departments in this city, viz, 6 in the Department

of Agriculture, 4 in bureaus connected with the Treasury Department, 3 connected with the bureaus of the War and Navy departments, and 1 each in the Geological Survey, the Bureau of Standards, and the Smithsonian Institution.

#### FOUR PHARMACOLOGICAL LABORATORIES NOW IN EXISTENCE.

There are no less than four distinct pharmacological laboratories now operated by the Government in this city, all engaged in research relating to physiological action and standards of drugs, viz, one connected with the Bureau of Chemistry, another connected with the Bureau of Animal Industry, one connected with the Bureau of Plant Industry, all in the Department of Agriculture, and one connected with the Laboratory of Hygiene of the Bureau of Public Health and Marine-Hospital Service. There is need for but one and that one should be connected with the department of public health.

#### DIVISION OF PURIFICATION OF WATER SUPPLIES NOW IN THE DEPARTMENT OF AGRICULTURE.

For like reasons the Division on Purification of Water Supplies, now connected with the Bureau of Plant Industry of the Department of Agriculture, should be transferred to the department of public health. It has nothing in common with agricultural interests, but endeavors to solve problems of sanitary importance. In the matter of duplication of work we know from personal knowledge that the Bureau of Chemistry, Bureau of Animal Industry, Bureau of Plant Industry, and the Bureau of Public Health and Marine-Hospital Service have all four given simultaneously attention to water and milk supplies from a sanitary aspect. Hence we believe that the suggested transfers are not only practicable, but also in the interest of great economy.

#### HEALTH AGENCIES NOW IN THE FEDERAL SERVICE WHICH SHOULD BE CONCENTRATED IN THE DEPARTMENT OF HEALTH.

*Division of Nutrition Experiments.*—In addition to the agencies referred to, the Division of Nutrition Experiments, now in the Department of Agriculture, should be transferred into the new department. Experiments are now carried on with a view to determining what substances are necessary to secure the proper growth of the body and to repair the waste. We have been extremely careful in other machines to study fuel economy and to use only those substances for the generation of force which are proper, and no more than is absolutely necessary, but in the human system no attention is paid to these points, and sooner or later disorganization results. While these investigations may show us how to live well and at a reasonable cost, they are also of the utmost value in the prevention of disease.

*Division of Vital Statistics of the United States Census Bureau.*—We also respectfully suggest the transfer of the Division of Vital Statistics from the Census Bureau to the department of health. The Division of Vital Statistics furnishes the data indispensable for intelligent health work, and should be placed in the new department, where it logically belongs. The bookkeeping of a steel plant would not be carried on in a sugar refinery. Vital statistics are woefully defective in this country and can only be improved by educational federal work.

*Bureau of Labor.*—There are good reasons why the Labor Bureau should be in close cooperation with the federal health agency. A large and important part of the work of the bureau has to do with workmen's health, factory sanitation, the study and prevention of occupation diseases and accidents, the causes of fatigue, physiological hours of work, etc.

It has already published bulletins on industrial hygiene, the slums, the housing of the working people, all of which relate to the public health. Much of its work is and always will be educational, and the benefits of this bureau can be greatly extended, since many of the problems connected with the causes and prevention of industrial diseases and accidents need to be studied by the trained sanitarians, and it would be extremely helpful to the Commissioner of Labor requiring sanitary services to apply to the department of health.

We are aware that remedial measures will always have to emanate from the States, but the Federal Government, after due investigation of occupational diseases and accidents, can at least establish and adopt a standard of industrial hygiene for all the government workshops and for the District of Columbia. It can also evolve model plans and building regulations for government workshops and office buildings, quarters of government employees, and homes for wage-earners in the District of Columbia, so that no such buildings will hereafter be erected without due regard to air space, ventilation, light, heating, temperature, humidity, sanitary conveniences, and supervision. We believe that model government workshops and efforts for the promoting of the general welfare of the employees would establish certain standards and thus prove a salutary precept and example for the States and private concerns.

*Bureau of Education.*—There is every reason to believe that the work of the Bureau of Education would be materially strengthened by a close cooperation with the new department, especially in matters relating to school hygiene, the physical development of children, and by the dissemination of facts concerning the prevention of disease, and the time may come when the transfer of the Bureau of Labor and Education may be considered wise and expedient.

There are now pending two bills for the establishment of bureaus which, if enacted, should be placed in the department of health, as should also the Board of Sanitary Inspectors provided for in a recent House bill. Indeed it seems to us that the library of the office of the Surgeon-General, U. S. Army, which is a national medical reference library, should likewise be transferred, and there are not a few who can see positive advantages in transferring the health department of the city of Washington, the water supply, and sewage disposal into the new department.

*Federal children's bureau.*—A bill is now pending for the establishment of a children's bureau in the Department of the Interior, which should very properly be included in the new department, since its chief object is the raising of a sturdy American stock, and will deal with questions of infant mortality, the birth rate, physical degeneracy, orphanage, juvenile delinquency, desertion, dangerous occupations, accidents, and diseases of children of the working classes.

*Mining bureau.*—A bill now pending provides for the establishment of a new bureau to study and investigate the causes of mining disasters, accidents, and their prevention, and such a bureau, very naturally, should be included in the new department, as its chief object



is the preservation of human life and the prevention of needless suffering.

*Question of cost.*—There is every reason to believe that to maintain an efficient federal health service the funds now appropriated for existing health agencies will be more than sufficient to carry on the work in a more efficient manner. Duplication of work which now exists would be avoided and the consolidation of all the chemical and bacteriological laboratories alone would result in marked economy.

SUGGESTIONS AS TO HEALTH AND SANITARY MATTERS WHICH THE GENERAL GOVERNMENT MAY PROPERLY UNDERTAKE TO INVESTIGATE OR REGULATE IN ADDITION TO THOSE NOW PROVIDED BY THE EXISTING LAWS.

We have already indicated some of the work in which the federal health establishment may be extremely helpful to the Bureau of Labor and the working classes of this country, and let me emphasize the fact that health is the chief asset of the wage-earner and sickness or accidents are the most potent factors of dependency.

One of the most important problems which must be solved by the Federal Government is the prevention of pollution of interstate waters. In the language of the North American conservation conference on February 23, 1909:

Facts which can not be questioned demonstrate that immediate action is necessary to prevent further pollution, mainly by sewage, of the lakes, rivers, and streams throughout North America.

The prevalence of typhoid fever, dysentery, diarrhea, and other water and milk borne diseases is intimately connected with water pollution.

It has been estimated that the total loss in the United States from typhoid fever alone amounts to \$353,790,000 per annum, and that the prevalence of this disease can be reduced fully one-half by the substitution of pure water for previously contaminated supplies. The following is an abstract from my statement "Conservation of life and health by improved water supply," before the conference on the conservation of natural resources, White House, May 13-15, 1908:

THE HYGIENIC VALUE OF PURE WATER—ANNUAL COST OF TYPHOID FEVER IN THE UNITED STATES.

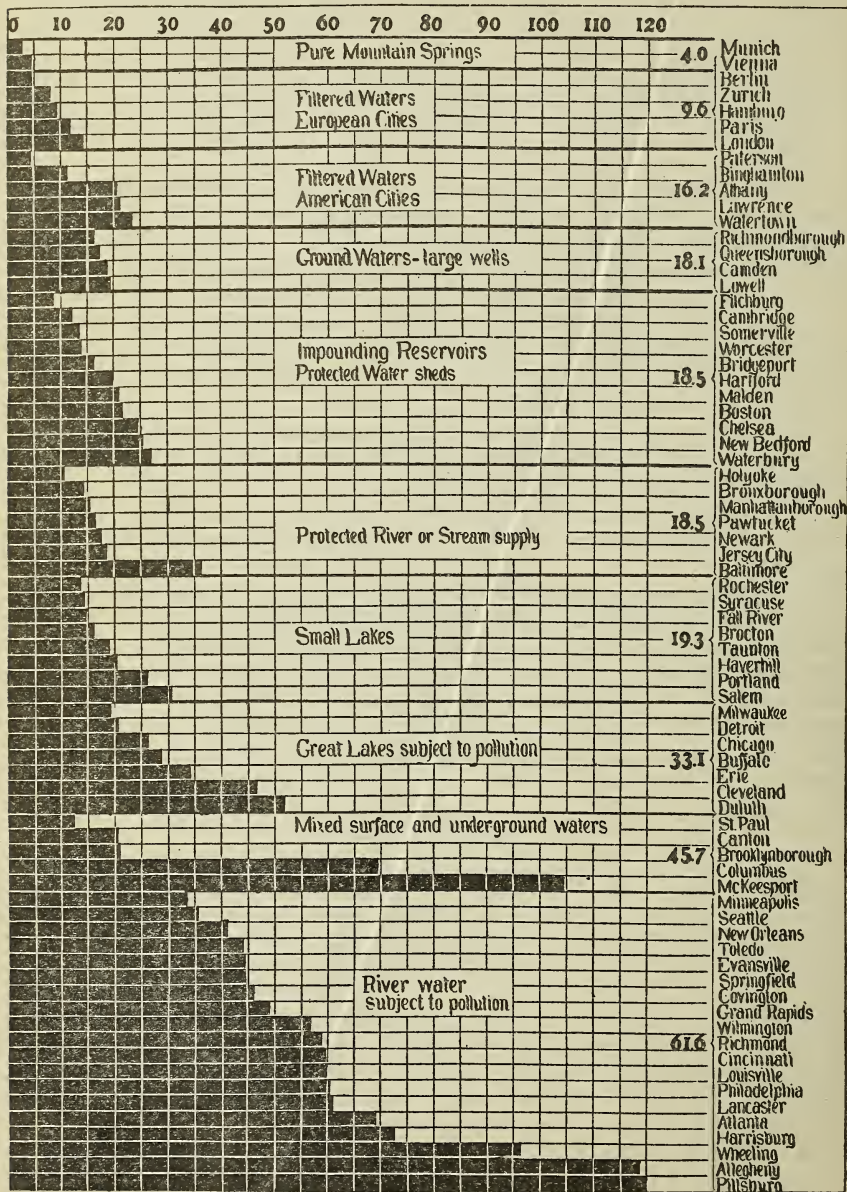
According to the census of 1900 there were 35,379 deaths from typhoid fever during the census year throughout the United States, and, based on an estimated mortality of 10 per cent, it is within reason to assume a yearly prevalence of 353,790 cases of this disease. If we calculate the average cost for care, treatment, and loss of work to be \$300 and the average value of a human life at \$5,000, we have a total loss in the United States of \$283,032,000 from one of the so-called preventable diseases. Mr. George C. Whipple<sup>a</sup> presents some striking evidence to indicate that a loss of \$10,000 for every death from typhoid fever is a conservative estimate, in which case the decrease in the "vital assets" during the census year of 1900 would amount to \$353,790,000. Reduce the prevalence of this disease one-half (which has been accomplished in Europe and our own country) and the question of the hygienic value of pure water will be answered from an economic point of view.

Mr. Whipple, while admitting that this is merely a transference of money from one man's pocket to another, emphasizes the fact that "unnecessary expenditure is a loss," and that deaths from typhoid fever and from other diseases represent a very material loss of the productive capacity of a community, and consequently a decrease in what may be termed the "vital assets." On page

<sup>a</sup>The Value of Pure Water, New York, 1905 (p. 5).

36 he computes, upon what may be regarded a very sound basis, that "each million gallons of polluted Allegheny River water pumped to Pittsburgh has heretofore reduced the vital assets of the community by \$110. This, for a population of 350,000, amounts to \$3,850,000 per year, a sum enormously greater than the annual cost of making the water pure."

In view of the great importance of the subject of pure water, which is strikingly illustrated in the chart—



MEAN DEATH RATES FROM TYPHOID FEVER, 1902 TO 1906, IN 66 AMERICAN CITIES AND 7 FOREIGN CITIES. GROUPED, AFTER FUERTES, ACCORDING TO THE QUALITY OF THEIR DRINKING WATER. THE RATES FOR FOREIGN CITIES ARE TAKEN FROM JAMES H. FUERTES



We deem it extremely desirable that whenever the secretary of the department of health shall ascertain that the interest of interstate or foreign commerce and the health of the persons conducting the same so require he may direct in writing the commissioner of public health, in addition to investigations now authorized by law, to make a special investigation into the prevalence of typhoid fever, dysentery, diarrheal diseases, and other water and milk borne diseases, the condition influencing their propagation and spread, and the methods necessary for their prevention and suppression.

This will involve the establishment of a division of water supplies and sewage, the appointment of a sanitary engineer competent to solve technical problems connected with the purification of water and sewage, and the appointment of a law officer familiar with existing federal and state health laws and competent to compile existing laws and to assist in the formulation of uniform laws for the protection of the public health.

We are likewise of the opinion that in the interest of interstate or foreign commerce and the health of the persons conducting the same the secretary of the department of health may direct a special investigation into the sanitation of railway and marine travel, the prevalence of tuberculosis, malarial fevers, rabies, leprosy, cancer, hook-worm disease, pellagra, and loathsome, contagious, or infectious diseases, the traffic in habit-forming drugs, and study the methods necessary for their prevention and suppression.

The results of such investigations should be disseminated by means of sanitary bulletins, and may form the basis for enlightened federal or state legislation for the prevention and suppression of these evils.

The bill should contain a provision authorizing on request of the health authorities of any State or Territory or the District of Columbia or Porto Rico to detail officers of the Public Health Service to cooperate with the said authorities in the protection and improvement of the public health. This cooperation may be further extended.

1. By authorizing cooperative experimental work with state health departments in some such relation as now exist between the national and state agricultural experimental stations.

2. By a consolidation of the three independent schools or courses of instruction for medical officers of the Army, Navy, and Public Health and Marine-Hospital Service, and extending the privilege of instructions to representatives of state and territorial boards of health.

The chief object of all these service schools is the study and prevention of diseases. Consolidation of faculties will result in economy, and there is a distinct need for special instruction of health officers in preventive medicine.

From the foregoing it appears that there are a number of problems which the Federal Government may very properly investigate and even regulate in the interest of public sanitation, notably the pollution of interstate waters, water and milk borne diseases, tuberculosis, malarial fevers, rabies, hook-worm diseases, pellagra, and loathsome contagious diseases, all of which involve the possibility of being spread by means of interstate and foreign commerce, railway and marine travel, and no authority now exists for the investigation of these problems.



No effort should be made to supersede the work of state authorities, but the General Government may and can accomplish a most beneficent work by acting in a cooperative and advisory capacity, "especially in questions which in the absence of Federal Government work are not likely to be promptly solved" (Mr. Taft's message), and thus provide the motives for intelligent and uniform sanitary laws throughout the States.

In conclusion permit me to state that Senate bill 6049, introduced by Senator OWEN without our knowledge, has received most enthusiastic support from members of the American Health League, prominent insurance companies, members of the medical profession, and the committee of one hundred. The whole question is not a purely medical one, but one of great sociological importance. The highest aim of scientific medicine to-day is the eradication of preventable diseases, and in the solution of this problem all men who have the interest of the human race at heart can and do unite regardless of medical schools or creeds.

SENATOR SMOOT. As to all the transfers that you now suggest, is it your intention to have them transferred upon a basis of economy?

DOCTOR KOBER. Both upon the basis of economy and increased efficiency.

SENATOR SMOOT. In what way? Do you think that if they are transferred into this proposed department that they can do with a less amount?

DOCTOR KOBER. We should expect it.

SENATOR SMOOT. On what grounds?

DOCTOR KOBER. Take, for example, the chemical laboratories alone. Every one of these laboratories must of necessity have a chief, who probably has a larger salary than his collaborators, the men who are doing the actual work. Now, that in itself would result in a decided reduction. The item of duplication of plants—apparatus—is an important one. A duplication of plants, as you know, under present circumstances is unavoidable, and there can be no question that where there are four pharmacological laboratories that there is a needless duplication of work. I have referred in my statement to an instance where four laboratories were engaged simultaneously in the investigation of pure milk and pure water. One, or at the utmost two laboratories might be engaged in such work. It is well enough to parallel work, but it is not necessary to duplicate it over and over again. Then, again, we have the instance that there are not less than three distinct medical schools or courses of instruction now in this city connected with the Army, Navy, and Public Health and Marine-Hospital Service, whose chief object is the training of sanitary officers, with special emphasis to the prevention of disease. One faculty chosen from the different services would accomplish the purpose and save considerable money.

Apart from economic reasons, there is a certain line of work which should not be left to private philanthropy. Take, for example, the campaign which is now carried on in some of our Southern States for the eradication of the hookworm disease, the existence of which in this country has been known for over ten years. One of my students, Dr. Bailey K. Ashford, of the United States Army, was the first to demonstrate the existence of this disease in Porto Rico.

When he arrived there as a medical officer of the army, he found the majority of inhabitants to be suffering from profound anemia and general debility, which journalists had attributed to starvation. Reasoning by way of exclusion, he found that their condition was not due to chronic malaria, nor was it due to starvation, but was solely caused by the ravages of the hookworm. He made a practical demonstration as to what could be done in the way of stamping out the disease. Porto Rico defrayed the expenses, and yet it is practically left to private philanthropy to prosecute the work in our own afflicted States. That is an example of what might be done if we had an efficient federal health department that would look into such problems and take them up with the respective States. It is clearly the duty of every State to protect the lives and health of its people. It ought not to be left to private philanthropy to undertake work in health protection any more than in fire or police protection.

Senator SMOOT. Have you found out a remedy for the hookworm disease?

Doctor KOBER. Yes, sir; and one quite efficient.

Senator SMOOT. And a very simple one?

Doctor KOBER. Absolutely simple. All it needs is proper education. Everyone knows that the administration of thymol in repeated doses will kill the worm as well as the ova and that the prevention is largely a question of general cleanliness and sanitation; to prohibit the promiscuous scattering of infected stools, which is accomplished by proper collection and disposal of fecal matter. These simple precautions against soil and water pollution constitute the chief preventive measures, while, on the other hand, the curative method consists in the administration of thymol in 10 to 15 grain doses.

**STATEMENT OF DR. HARVEY W. WILEY, CHIEF BUREAU OF CHEMISTRY, DEPARTMENT OF AGRICULTURE, WASHINGTON, D. C.**

Doctor WILEY. Mr. Chairman and gentlemen of the committee, I have been for forty years, more or less, interested in problems connected with sanitation, both as student and during my active life, and I am here this morning with the consent of the Secretary of Agriculture and am authorized to say for him that he is heartily in favor of this movement to establish a national department of health. The details of this measure he, of course, is not acquainted with, nor has he expressed any opinions regarding the details to me except this, that in the transfer of the service in favor of the public health from the Department of Agriculture he does not wish to have that department mutilated any further than is necessary, and what I shall say will be particularly with regard to the department of the public service relating to public health, which is largely committed to me in my official position as Chief of the Bureau of Chemistry.

I have, however, as a guide to what I would say, written out a scheme which I find is largely embodied in the remarks of Doctor Kober—almost exactly what I had submitted as my own judgment.

The CHAIRMAN. That will go into the record.

Doctor WILEY. I will be pleased to have it go in.

(The paper referred to is as follows:)

PROPOSED ORGANIZATION OF THE DEPARTMENT OF HEALTH.

Name: Department of sanitation (health) and instruction (education).

Secretary: Member of the Cabinet.

Assistant secretary: Nonpolitical, continuing official, charged with the supervision of the scientific services of the new department.

SERVICES TRANSFERRED FROM OTHER DEPARTMENTS.

From the Department of Agriculture:

1. Meat-inspection service of Bureau of Animal Industry.

2. Food and drug services of the Bureau of Chemistry.

(NOTE.—These transfers are not of bureaus, but of activities. The Department of Agriculture will still have need of the above bureaus for agricultural uses.)

3. Pharmacological laboratories from the bureaus of Chemistry, Animal Industry, and Plant Industry. There are three of these laboratories. They should all be combined with the pharmacological laboratory of the public-health service, thus effecting a great economy.

4. Purification of water laboratory from Bureau of Plant Industry.

5. Nutrition investigations from Office of Experiment Stations.

From the Treasury Department:

6. Public-Health and Marine-Hospital Service.

7. Life-Saving Service.

From the Interior Department:

8. Pension Bureau. (All the real service in this bureau aside from the clerical is strictly medical.)

9. Bureau of Education. (One of the chief functions of the proposed department is diffusion of knowledge, especially of hygiene and sanitation.)

ALTERNATE PLAN, AVOIDING THE CREATION OF A NEW DEPARTMENT.

1. Make the Department of the Interior the vehicle of sanitation.

2. Transfer from that department:

(a) The Indian Office to the War Department.

(b) The Geological Survey, the Reclamation Service, and the Land Office to the Department of Agriculture.

(c) The Patent Office to the Department of Commerce and Labor.

3. Transfer from the other departments to the Department of the Interior the various services indicated for transfer to the new department of health, save those from the Interior Department.

4. Organize the Department of the Interior according to the plan submitted.

Doctor WILEY. I wish to speak briefly of the service under the food and drug act.

The CHAIRMAN. Doctor, if it will not interrupt, I would like to ask you some questions. There are some matters on my mind that I feel you might be helpful in, and if it will not be an interruption—

Doctor WILEY. Not at all.

The CHAIRMAN. I will ask you some questions.

Doctor WILEY. At any time you please, Mr. Chairman.

The CHAIRMAN. I would like to know what you think of the difference in efficiency between a bureau and what is ordinarily spoken of as an independent department with a Cabinet officer, as it is expressed, or a secretary at its head. In other words, if the health services are brought together under one head, why is there so much stress laid on the necessity of a secretary at its head with the same jurisdiction when the work is efficient—let the head be called a secretary or bureau chief or a commissioner. I confess that while there is some difference in the dignity and the impression on the public mind, I have not been able to understand the great emphasis laid on



the idea of having a Cabinet officer at the head of the health service, and I am led to make that inquiry, not because I am inimical to having a Cabinet officer at the head of it, but because I feel a very strong current of opposition to creating another Cabinet officer, and the question is whether or not it is essential to have it established in that way, and why the service can not be made practically as efficient with some other name than that of Cabinet officer. I would be very glad to have you elucidate that idea. Will you, please, give us your judgment about that?

Doctor WILEY. Of course, what I shall say, Senator, will be my own individual opinion.

The CHAIRMAN. We understand that you are simply giving your individual opinion.

Doctor WILEY. In answering your question, and I will be as categorical as I can, I think there are many reasons from the point of view of why a department having a representation in the President's Cabinet would be more efficient and more effective than equally as good service, assuming that they are the same, under a different name.

Now, let us assume that the service is exactly alike in both cases. The effect which a movement has on the public mind in the way of gaining vogue and currency with the public is largely due to the source from which it emanates. If I should write a good poem—if it were possible for me to do so—and send it to a magazine under my name it would probably be rejected. I have had that happen to me. If I could sign Mr. Henry W. Longfellow's name I could write a much poorer poem and, not comparing my ability with his at all, but just for illustration—no one would think of rejecting it.

Senator SMOOT. Doctor, do you think that would be the result as to medicine, and the information that would come from medical sources?

Doctor WILEY. I think that a proposition relating to the public health, presided over by a cabinet officer, would have immeasurably more effect in getting a vogue, in being accepted by the public, and doing the good which it was intended to do, than the same proposition emanating from a bureau commissioner.

Senator SMOOT. Whether good or bad?

Doctor WILEY. Irrespective of that, because I am assuming now that they are equal—of equal value.

The CHAIRMAN. The idea that I got into my mind was that it would be under the imprimatur of a Cabinet officer, but not relating exclusively to public health. Suppose this bureau were organized or made a bureau in the Department of Forestry or in the Department of Commerce and Labor so that this literature would go out, and the literature should go out with the imprimatur of the Cabinet officer, the Secretary of Commerce and Labor or the Secretary of Agriculture, as the case might be. I do not think it has been contemplated that any change in the law, if such were made, creating a bureau would make it independent of a Cabinet officer, but it would be a bureau in an existing department rather than an independent department, or separate department, or a new one.

Senator SMOOT. Or, in other words, exactly the same as the conservation of forests all over the country. It is in the Agricultural Department under Secretary Wilson, but through the Forest Division all work has been done through that division, and yet the head

of that division is under, of course, the Secretary of Agriculture, Mr. Wilson.

Doctor WILEY. Of course, it is evident to every one that the department would be made up of these separate organizations anyway, and the actual efficiency of the department would depend largely on the efficiency of the individual organizations. But in making departments, I think it has always been the idea of Congress to segregate them from other activities and bring together under one head those activities that are primarily devoted to the object for which the department is created, and therefore a department created for an entirely different purpose would not be able to handle it efficiently. The head of that department, we might say, would not be able to comprehend or understand so thoroughly and so efficiently and act so effectively as the head of the department who was appointed particularly for a particular service. In other words, by bringing together units of the same kind, strength is secured. The distribution of units of the same kind is a cause of weakness. One of the first fables almost that I ever read in Latin was the "Bundle of Fagots," illustrated by bringing the sticks together you form a combination which is infinitely stronger and more effective than taking them one by one, where they are easily broken.

Senator SMOOT. You have spoken of the departments of this Government. There is no head of any one of those departments that gives attention to the details and the particular work of that department. He relies upon men under him; he relies upon the reports that are made to him from those men. It is the ones under him who do the particular work, and who are fitted and prepared by education for such work, and he greatly relies on them; and would that not be exactly the case here if this bureau was under one of the existing departments of the Government; and whether it were a physician or a business man or an attorney, as the case may be, he could not possibly give his time and attention to the detail work of this matter, but he would have to rely upon men in that particular line of work, just the same as the Secretary of Agriculture relies upon you to do it. Is that not true?

Doctor WILEY. If that be accepted as a principle of action, then it would appear that no department was necessary.

Senator SMOOT. Well, not necessarily so. There has got to be some head or some authority. There is no question about that; but now I ask you whether that is not the case, and is it not true to-day? You take, for instance, the Secretary of Agriculture—and your division is in that department—if any question arose affecting that particular work that you have in charge, your advice would be accepted by the Secretary of Agriculture, would it not?

Doctor WILEY. No; I am not so sure about that. In numerous instances it has been rejected, and the advice of a person who had had no training in sanitation has been accepted over mine.

Senator SMOOT. Perhaps there was some reason other than the giving of an opinion where it was rejected.

Doctor WILEY. I answered frankly because you asked me the direct question, and I could not answer otherwise.

Senator SMOOT. That is what I want you to do.

Doctor WILEY. Let me illustrate it by the Department of Agriculture. I have been for twenty-eight years in that department. I was in it a long while when it was not a Cabinet position. The work of it was excellent, just as good work as it is doing now, but it was the butt of every joke in every newspaper in this country in spite of its good work, and it did not begin to develop and reach the point which it has reached in its great blessings which it has conferred upon this community until the Secretary of Agriculture was recognized as a member of the President's Cabinet.

Now, this one thing has done more to develop the power of the Department of Agriculture than any particular piece of scientific work that has ever been done here, and if you should degrade that department to-day and pass a law restoring it to the position which it had before it became a Cabinet office, you would see its work fail, and it would fail to have the impression upon the people of this country and the people of the world that it has to-day. The Department of Agriculture is recognized all over this world as the greatest agricultural scientific organization in the world to-day, and it never would have reached that position had it not been made a Cabinet position.

Senator SMOOT. Of course you must take into consideration the great growth of the country; and while I am not disputing what you say in this particular, I do say that even if the Agricultural Department had remained as a bureau it would have increased greatly in efficiency and power in this country. There is no doubt in my mind about that fact. But while I am not saying that it would have reached the position in the world to-day it has reached, I do know and feel positive that it has greatly increased from the time you entered it up to the present time.

The CHAIRMAN. Doctor, at the time the Agricultural Department was a bureau, with a commissioner at its head, suppose it had been given the same appropriation and the same jurisdiction that it has had since, would its work have been less conspicuous or less effective, do you think?

Doctor WILEY. I do not believe, Senator, that we ever could have had it without the dignity of the position which it occupies. If you assume that everything except the title could have been given to the Department of Agriculture, why, it seems reasonable to suppose that the same character of work would have been done.

The CHAIRMAN. That is what I wanted to get at, and I want to say that I am not hostile to the legislation; but in legislation, as in all other matters, there is a question of expediency, and we have got to recognize conditions and obstacles and the sentiments of other people—

Doctor WILEY. I understand that.

The CHAIRMAN. As well as our own. This committee can not dictate to Congress exactly what it would like to have. It must pay due respect to a current of thought that might be running the other way, and my object is to try to get at such information as will enlighten both sides of this question.

Senator SMOOT. In other words, we would have to meet this, Doctor. Take the Forest Service. Those that would be opposed to the establishment of this at all would say: "Here is an appropriation to-day for the whole Agriculture Department, affecting millions of



dollars. It has grown from fifteen years ago about three million up to thirteen million—we will say thirteen million. There is \$5,000,000 of it for only a division—not a bureau, not a department, but a mere division. Out of the \$13,000,000 there is taken \$5,000,000 more per annum out of it,” and so they will say, “Why, if that can be done with a mere division, and the work accomplished by that division”—a great many of them objecting to the extreme length to which it has reached—and they will certainly say, “we can go far enough here and expend money enough with a bureau, with all the powers of a department, rather than to create another department.” I am only bringing this to your attention, Doctor, because these are some of the points that we will have to meet.

Doctor WILEY. I think when it is considered in this respect, Senator—in further answer to the question, which is a very pertinent and a very important one—the further answer to it is this, that it has been the purpose of Congress, I think, undoubtedly, to collect under one department those matters which are germane to its purpose.

The CHAIRMAN. It has been very unfortunate in the creation of a department, has it not, that there is not a department or division which is homogeneous, unless it is the War and Navy, perhaps, and there is a great deal of incongruity? I am not suggesting that it ought to be discontinued; but take the Agricultural Department—there is an immense diversity of purpose in the different bureaus and divisions there.

Doctor WILEY. And yet, I think, on looking over our supply bill you will find but very few of the appropriations made for the Department of Agriculture but what have some relation to the fundamental statement in the organic law or its foundation, the promotion of agriculture in the broadest acceptance of that term. Even this service, the food and drug, is certainly related to agriculture, most undoubtedly, under that organic act. There may be some of the activities of the Department of Agriculture which have only a slight relation, but most of them, I am quite sure, are germane to its purpose, and in the department of which you speak, that it is not the head of the department who can go into details. Of course that is absolutely true, and yet in his official character he is called upon to decide matters relating to the same general purpose all the time, so that he keeps his mind on that purpose. If you take up to the Secretary of the Treasury a problem in forestry, he would have to study a great deal more than he would on a problem in finance, because he studies that problem all the time; it is in his mind. The Secretary of Agriculture would naturally be prepared to decide on a question of forestry because that is directly connected with agriculture.

Senator SMOOT. But not without a division, I hardly think, by a man who had it directly in charge.

Doctor WILEY. The Secretary of the Treasury has his experts in different parts on finance. Now you would not want to inject into the Treasury Department the Forestry Bureau, putting that under the Treasury, but there would be in the Public Health Service a reason for transferring, for instance, not the activities of my bureau in regard to foods and drugs, because the public health is one of the fundamental principles stated in the act creating this service, and while this service also takes up the question of fraud, I want to call

the attention of the committee to the fraud in foods and drugs. Fraud has a direct relation to the public health—

Senator SMOOT. There is no doubt of that.

Doctor WILEY. A direct relation, so that the whole service of the food and drug bill in respect to injurious substances in foods, and frauds in foods, would be germane to the fundamental idea of a national department of health with a representative.

Now, I would just like to say—because I feel that you want information such as I can give you on the point which you ask about—that I think one of the principal reasons why there should be a department of health is that its head may have his mind free from other great public questions which are perhaps of equal importance, but not at all germane to the public welfare as represented by the public health, but where he could give his whole attention as an executive officer to the problems of the same kind, and who by his training, doubtless, and experience would be prepared to give decisions on problems relating to the public health just as the Secretary of the Treasury is in regard to finance, and our own great Secretary of Agriculture in regard to matters of agriculture, so that we could segregate from the other public functions and bring together in one public function matters of this character relating to the welfare in the health of our people. That is to me one of the principal things, the efficiency of the service, as well as its dignity, and a mere matter of dignity under a democratic government we could waive if the efficiency were as great, but I do not believe, Senator, that you can ever have the efficient service which the people in this country, I think, demand if you do not bring together these activities, and recognize them as of such importance as to merit a seat in the Cabinet of our great Government.

The CHAIRMAN. Now, Doctor, in the transfer to a new department or bureau, as the case may be, what should be taken from the Agricultural Department and not mutilate it, as you say the Secretary would not like to see it mutilated, and none of us would like to see it unjustly mutilated.

Doctor WILEY. I will answer that, Senator, very frankly—as the Secretary of Agriculture asked me to do in regard to my own bureau, and I will suggest the other services in the bureau, as my personal opinion, without speaking by any authority, as to what other services besides the foods and drugs service might be transferred. I do not agree with Doctor Kober on the fact that the Bureau of Chemistry of the Department of Agriculture should be transferred bodily. The Agricultural Department can not get along without chemical service. If you will read the organic act, among the scientific men who are to be provided for the chemist is mentioned first in the organic act, authorizing the appointment of a chemist and a botanist and an entomologist.

So Congress recognized at that early day, in 1862, that chemistry was the fundamental science of agriculture. Then Congress has from time to time placed duties in the Bureau of Chemistry which are not strictly related to agriculture, but which we do by authority of Congress, and that is the general chemical work of a miscellaneous character which is not provided for otherwise. So that any head of a department under the law—as the law has been for many years—can come to the Secretary of Agriculture for certain chemical service that

he may need and which is not otherwise provided for. So the Bureau of Chemistry does a lot of exigency work which is necessary to be done and which must be provided for. There is not a department in this Government that does not come to us for work which they themselves are not authorized to have done. For instance, we examine all the foods and drugs, and matters of agricultural origin for the Isthmian Canal Commission, and for many other branches of the service, which otherwise they would have to go to the expense of putting up their own laboratories to do, and the chemical work which is directly related to agriculture, in my opinion, ought not to be transferred. We must leave the Bureau of Chemistry with some organization.

The CHAIRMAN. You think that department must have a laboratory of its own, which should not be subjected to calls by some central laboratory?

Doctor WILEY. It should be a department or central laboratory which would do the work of the national board of health. I believe the government laboratory is the most economical idea. That has been carried into effect in other countries—in England, France, and Germany. In England especially they have government laboratories where all the departments have all their chemical work done. That is the most economical way of doing it. If you are going to establish any laboratory, it would be better established in a national board of health than any other one department, but if we are going to leave the present organization of laboratories of a chemical character, for scientific investigation of a chemical character, to different departments, then the Department of Agriculture ought not to be included.

I believe myself that all chemical investigations for the Government could be done in a single laboratory—I do not mean one laboratory, but a laboratory for each kind of investigation; for instance, the Bureau of Standards. There we have a national laboratory in which all questions relating to weights and measures are settled, and we do not have to have individual laboratories of that kind any longer. Every department can send its ware to be graded and graduated directly to this place. We might have a national entomological laboratory, a national chemical laboratory, with all the branches of chemistry represented—physiological, chronological, and bacteriological—all branches of chemistry combined. That would be the most effective and the cheapest method, but unless that is done I do not think the whole of the Bureau of Chemistry should be transferred to a department.

The CHAIRMAN. And if that were done, you think the department of health would be the proper place for it?

Doctor WILEY. It would be as good as any other. I do not say it would be any better than any other, and I want to say this in regard to the idea you first conveyed about a bureau, as to what department it should go. I believe if you are going to have a bureau of public health, it by all means ought to go into the Department of Agriculture, because there is one department above all others that goes to the people, into every home and every community, and it is the department which has the best organized and most extensive health service of any other department. It is the department that is spending more money for the public health in more ways than any other



department. You spoke about the five millions for forestry. The Department of Agriculture to-day is spending almost \$5,000,000 for the public health, \$3,000,000 alone in the Bureau of Animal Industry, almost a million dollars in the Bureau of Chemistry, and other sums in other departments.

Senator SMOOT. It is not doing any work along the line of promoting health in the matter of foods, is it?

Doctor WILEY. The service of the Bureau of Chemistry is almost exclusively for that purpose. We are spending nearly a million dollars to protect the health of this community, and I want to tell you, Senator, this—and you doubtless already know it, but I want to repeat it—that the basis of health is proper, nutritious, wholesome food. That is where we begin to conserve the health of the public from infancy. Improper food is the cause of the great death rate in infants.

Senator CRAWFORD. This expenditure is in the pure-food department?

Doctor WILEY. Yes, sir; the pure-food department. Now, a man who is well nourished with proper food will resist infection, and the man standing by him who is illy nourished with improper food will succumb. Every healthy organism properly nourished has within it germicidal powers, as every physician will tell you—cells which attack and destroy the infectious germs, and you diminish the vitality of the man by improper food, or not enough of it, and you make him subject to infection which otherwise he would destroy and throw off.

Senator SMOOT. Congress has been rather liberal, has it not, along that line of late?

Doctor WILEY. I think quite so. I have no complaint to make whatever.

Senator SMOOT. We recognize what you say, Doctor, to be absolutely true; that is, very many of us do, and I have been closely connected with the agricultural appropriation bill, and I know that is the feeling of the members of that committee and a great many others.

Doctor WILEY. I have no complaints to make on the way Congress has treated me and my service in the way of funds—none whatever. It has been generous.

The CHAIRMAN. You have no doubt read the report of what is called the Walcott Commission, in which they recommended that this health service be a bureau in the Department of the Interior?

Doctor WILEY. Well, I do not care anything about the name of the department. I would like to see one department—I do not know what you would call it—charged with the public health, public education, and public welfare, without being mixed up with promoting trades or extending agriculture or anything else—one department absolutely altruistic which could stand above every interest and every demand of greed and graft which comes so often to us all from all parts of the country. You want to do something for the public health and somebody comes up and says, "You are interfering with my business if you do it." How many thousands of times do you not hear that "You must not do this; you are interfering with my business."

Senator SMOOT. That will never cease until the millennium comes.

Doctor WILEY. It will never cease, but a great many of our departments are organized for business purposes. We want our business protected and expanded, and we organize departments for that purpose. The Commissioner of Labor, for instance, as the head of that department, has to see that American business is protected. That would not be a good department to put the public health in, because there we would have conflicting interests to decide—two things which they are supposed to conserve—business and health. Let us have a department of public health which has only one interest at heart, and where it can be secured and promoted.

I do not care if you call it the "Department of the Interior," or what you call it, but give it those duties. They would be very appropriate duties, because the desire of our country is to protect the internal affairs, but it seems to me, with the present organization—if you will allow me to say so—if the bureau at all is to be established, it would naturally fall into the Department of Agriculture, and certainly be just as efficient there as it could be in any other department, and it would save the transfer of larger blocks of the service from one department to the other. We have now \$4,000,000 devoted to public health. That is more than any other department has, undoubtedly.

Senator CRAWFORD. That is the appropriation which goes for the purpose of public health in the Department of Agriculture?

Doctor WILEY. Yes, sir; It is \$4,000,000.

The CHAIRMAN. I am very glad to have you make this statement, because I have often heard men of distinction in the matter say that we are spending millions of dollars on sheep and cattle and not one dollar on human life.

Doctor WILEY. But when you protect the life of the animal you protect the man who eats beef and mutton, and when you clean it up you save the lives of hundreds of people who eat that food.

The CHAIRMAN. That is correct. Now, Doctor, in the making up of this new service it has been frequently suggested that the health service of the District of Columbia ought to be included. Have you given any thought to that?

Doctor WILEY. Nothing except that I believe it should include everything which is established for public health. If you are going to have a department, put everything into it which has for its primary object the public health. I should say that I have never consulted Doctor Woodward on the subject, and I do not know what his views are.

The CHAIRMAN. I ask you more especially because I feel that while we can get a great deal of information from the people in direct contact with these matters some outside judgment is helpful.

Doctor WILEY. Then my judgment is that it ought to be included.

The CHAIRMAN. Right in that connection, do you think it will take away from the city of Washington the responsibility of looking after its food and cleaning its streets and the sale of its food supplies and in connection with its water and sewage? In the city of Washington would it be safe? Would we not have an anomalous situation to have a large city with no control over its water supply or milk supply or its food or sale in its markets or its street cleaning?

Doctor WILEY. My opinion is that Doctor Woodward's arms would be strengthened tenfold.

The CHAIRMAN. What would he have to do if you took away those things from him?

Doctor WILEY. You would give him the greater power in the new bureau to attend to those things. You would not destroy the city health officer.

The CHAIRMAN. He would be answerable to somebody else, and not the district government.

Doctor WILEY. He would be answerable to a man in high position charged with the protection of public health, which the district commissioners are not, with all due deference to them.

Senator SMOOT. Only indirectly.

Doctor WILEY. Only indirectly. That is a very small part of their duties.

The CHAIRMAN. The sanitation of the city involves immense duties ordinarily, does it not?

Doctor WILEY. Yes, sir; it is immense. I have attended the meetings of the District Commissioners and I do not believe a large proportion of their time is taken up with problems of sanitation. I believe the health office of this city would be vastly strengthened and the protection of our people be increased by including that service in the department of public health.

I do not think that I have anything else to say. As far as my work is concerned I am perfectly contented to do my best wherever Congress puts me.

The CHAIRMAN. I think, Doctor, that you have made an impression on the country, that it makes very little difference where you are put, your influence will be felt.

Doctor WILEY. I shall continue, as long as I am in the service, to do my best wherever I am, but I do believe that the health of this people would be vastly promoted, human life would be lengthened, disease would be diminished, and the happiness and welfare of our people conserved by having a Cabinet officer in charge of public health.

*Resolutions adopted by the National Conference of State and Provincial Boards of Health of North America in their annual session in the city of Washington, D. C., April 29, 1910. Adopted by a unanimous rising vote.*

[Report of the Committee on a National Department of Health.]

In view of the very active interest in the subject of the public health that now obtains throughout our country, your committee is of the opinion that the time is ripe for the establishment of a national department of health, and we respectfully recommend the adoption of the following preamble and resolutions:

Whereas health is the chief asset of any people constituting as it does the foundation on which rests efficiency, prosperity, and happiness; and

Whereas in a dual form of government such as ours a central federal health department is necessary to the proper and efficient promotion of this great cause: Therefore be it

*Resolved*, That it is the sense of the National Conference of State and Provisional Boards of Health of North America, the membership of which is composed chiefly of representatives of the state and territorial boards of health of the United States, in annual session assembled, that a national department of health of equal dignity and power with the other departments of the Government, having at its head a secretary of public health, with a seat in the Cabinet of the President, should be established without delay.

*Resolved*, That to this end we recommend the passage of Senate bill 6049, now pending, or essentially similar legislation.

*Resolved*, That a copy of these resolutions be sent to the President and to each member of the Senate and of the House of Representatives.



(The chairman of the committee presented the following letter from the Acting Secretary of the Treasury, which was ordered to be incorporated in the hearings:)

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, May 3, 1910.

The CHAIRMAN COMMITTEE ON  
PUBLIC HEALTH AND NATIONAL QUARANTINE,  
*United States Senate.*

SIR: Referring to the bill (S. 6049) entitled "A bill establishing a department of public health, and for other purposes," now pending in your committee, I have the honor to call to your attention that part of the bill relating to the Revenue-Cutter Service.

In particularly including in the proposed department of public health all departments and bureaus excepting the Department of War and the Department of the Navy, affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto, there appear in line 2 of page 2 of the bill the words "the medical officers of the Revenue-Cutter Service." I beg to call your attention to the fact that there are no medical officers of the Revenue-Cutter Service, and I recommend that the words just quoted be eliminated from the bill.

The medical and surgical work of the Revenue-Cutter Service is now performed by the Public Health and Marine-Hospital Service, and a number of commissioned officers of that service are now performing duty on revenue cutters. It is essential that such officers while performing duty on board vessels of the Revenue-Cutter Service shall be governed by the regulations of the Revenue-Cutter Service, and to further this end I request that there be inserted in the bill, after the word "thereof" at the end of section 2, the words, "except that medical officers under assignment to the Revenue-Cutter Service shall, while so serving, be governed by the regulations of that service."

Respectfully,

CHARLES D. HILLES,  
*Acting Secretary.*

The CHAIRMAN. We thank you very much, Doctor.

#### STATEMENT OF THOMAS DARLINGTON, OF NEW YORK, PRESIDENT OF THE BOARD OF HEALTH OF NEW YORK CITY.

Doctor DARLINGTON. Mr. Chairman and gentlemen, I would just like to speak for a few minutes this morning. This subject is so very important that I would like the privilege of presenting a brief a little later upon the subject of the very questions that have been asked of Doctor Wiley. I will say that it will be a very short brief.

The CHAIRMAN. We will be very glad to have it.

Doctor DARLINGTON. At a meeting of the Pharmacological Society, which contains a great many prominent physicians throughout the country, a resolution was presented and passed yesterday to this committee indorsing the bill which is now before the House; that is, with such modifications as it may be necessary to put into Senator Owen's bill, if it is deemed advisable to modify it in any way, but the spirit of the bill is indorsed by the Pharmacological Society.

It seems to me that there is just one point on that question of a Cabinet officer, that this subject is of more importance than almost any other in the case; that there is no subject of more importance than the question of the health of the people; that commerce throughout the United States depends upon the health of the people. Suppose a great epidemic should come to New York City, the great port of entry, or New Orleans—which might have been a very much larger city had it not been for the mosquitoes, malaria, and yellow fever—

and the question of the bubonic plague in San Francisco. Life is held very cheap to-day in the United States. Very few have considered the importance of this matter, and yet if everybody in the United States understood what may be done and we could put into practice the proper methods, we could cut the death rate of the United States in two. It is largely through the education of the people. Of course, in the last analysis States and cities must largely take care of themselves, but to-day one of the most important things is the question of vital statistics throughout the United States. There are almost no vital statistics at all. What is the use of considering even child labor if we have no vital statistics to put it on?

I might go on and speak in many ways of what has been done in New York City, and of the things that have been put into practice, and which are not in practice in any other part of the country. Take, for instance, the subject of diphtheria. It is not properly taken care of in any part of the country to-day, and yet in the last fifteen years in New York City the mortality has fallen 74 per cent, simply because it has been properly taken care of. We speak of the amount of money given to advance the public health of New York State. One city alone spent \$3,000,000 for the cure of its people, and it has had its effect. Thousands of letters of inquiry have come from this city of Washington to me, while I was commissioner of health, asking about the subject.

It seems to me that a department which is so important, reaching the births, deaths, marriages, food, child hygiene, the care of infants, the prevention of blindness, and the thousands of things—that a department of that kind should have a Cabinet officer. I do not think that commerce can be weighed in the same balance with human life. I would like very much to speak further upon this question at some future time if there are to be any more hearings upon the subject.

The CHAIRMAN. I hardly think it will be possible to have another opportunity. If we take much longer, Congress will be gone and there will be no possibility of legislation.

Doctor DARLINGTON. Then I would like very much to present, almost immediately, a brief on this subject because as I have said I think it is a very important subject.

The CHAIRMAN. We will be glad to have you do so.

#### STATEMENT OF PROF. W. L. WILLCOX, OF CORNELL UNIVERSITY, ITHACA, N. Y.

Professor WILLCOX. Mr. Chairman and gentlemen, the first question that I wish to speak upon is this: Would the bill before the committee—that is, Senate bill 6049—affect the Census Bureau's work in vital statistics; and if so, how? No clear answer is found in the bill or in the speech made when the bill was introduced, but in that speech is inserted a letter from the chairman of the legislative committee of the American Medical Association, which enumerates, along with other bureaus of which the proposed department of health shall consist, a bureau of vital statistics. And in the memorial in relation to the bill, also before this committee (S. Doc. No. 514) among other branches of the public service to be transferred to the proposed department, the Division of Population, in the Department of Commerce and Labor—that is, the Census Bureau of that

department—is mentioned. As neither of these suggestions is opposed, I believe, by the Senator who stands sponsor for the measure, at least, so far as appears from his speech, it is perhaps fair to infer that the bill contemplates the transfer either of the Division of Vital Statistics in the Bureau of the Census, or of that division and the Division of Population in that bureau to the proposed department of health. The words of the bill as it now is before your committee are somewhat vague. Section 2 of the bill provides:

That all departments and bureaus belonging to any department, excepting the Department of War and the Department of the Navy, affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto, shall be combined in one department, to be known as the department of public health.

Then, assuming that either one or both of those divisions of the Census Bureau would be transferred to the proposed department of public health if this bill should be enacted into law, the question further arises, is such a transfer desirable?

Now, with reference to that, it seems to me that we can learn something from the administration of the States which have been dealing with the problem of public health. There is a division of testimony from them. There are the States of Massachusetts, Rhode Island, and Michigan, in which the division of vital statistics is not connected directly or integrally with the work of the board or department of public health. There is a larger number of States in which those two branches of work are closely related; but it seems to me that the three States, Massachusetts, Rhode Island, and Michigan, have been doing, and are doing to-day, quite as important and valuable work in the fields of vital statistics and of public health as any States.

We turn to the experience of foreign countries. I have examined carefully the provisions of the law regarding health in foreign countries, and the general conclusion to which I am brought by such examination is, that in not one of those foreign countries in which the public-health work is best organized, is the work of vital statistics cut off from that of census statistics in order to be closely linked with public-health work. Then, if we appeal to the experience of the United States Government—and I have been connected with the work in the Census Bureau for a number of years, and have had an opportunity to see it from the inside during my connection with that bureau—I should say that the relation of the Division of Vital Statistics to the Division of Population in the Census Bureau is so close and intimate, so inseparable, that it would be a disaster to the work of that bureau to take the Division of Vital Statistics out of it, unless you also took out of it the Division of Population and put them both in the proposed department.

Therefore, if such a proposal is made I should think it would be better to carry the division of population along with it, but the division of population, at the time of the taking of the decennial census, is very large, and I am inclined to doubt whether it would be wise to carry them both over.

Senator Smoot. On that same theory, if we take the vital statistics of the Census Bureau, why not take the census of manufactures and put it into the Bureau of Commerce and Labor? Why not take the question of agriculture and put that in the Agricultural Department,



and why not take all of the other departments of the Census Bureau and put them in other departments?

Professor WILLCOX. The essential reason for the unity of the Census Bureau at each decennial census is found in its common basis, the work of the army of enumerators—about 70,000 in number during the present census—and it is the organization of that work that constitutes the administrative unity of the Census Bureau. It seems highly undesirable that the work of the enumerators should be divided, or supervised partly by one bureau and partly by another.

Senator CRAWFORD. The taking of vital statistics is something that must be collected every year, is it not?

Professor WILLCOX. It is being collected every year.

Senator CRAWFORD. By the Census Department?

Professor WILLCOX. By the Division of Vital Statistics of the Census Bureau.

Senator CRAWFORD. Then, if that is available to every other department of the Government, where is the advantage that would be secured by a transfer? What good is accomplished?

Professor WILLCOX. If you ask that of me, I should say that there would be no good, but a serious harm.

Senator SMOOT. We have not heard the other side, but what reason is urged?

Professor WILLCOX. I can hardly represent fairly the other side, because my feeling is strong on that point, but I might say in general that we have been making in this country—I think I am within the truth in saying—in eight years, since the creation of the permanent Census Bureau, more progress in federal vital statistics—which is the basis of public health work—than we made in the preceding half century. I think that statement is perfectly within the truth. We are progressing so rapidly now that I should very much deplore, speaking from the standpoint of an outsider, seeing that work disturbed. The relationship between the Division of Vital Statistics and the Division of Population in the Census Bureau, is most intimate. With respect to vital statistics, one feature is population. For example, if you wish to ascertain the death rate of the bakers in New York City, to determine whether the ten-hour law for working in a bakery is a valid exercise of the police power, you get the number of bakers in that city from the census returns.

I believe that for scientific and administrative reasons it would be extremely unwise to separate those two divisions, which are so closely linked, and if one is to be transferred the other should go also. That is the most important thing in point of view of scientific statistics.

The second argument I would like to urge is that there is no foreign country, and practically no American State, which divorces its vital statistics—such as the recording of deaths, marriages, and births—from its census statistics of population, and at the same time is doing first-rate work in the field of public-health statistics. Consequently the experience, it seems to me, of other countries, as well as of the United States, is opposed to transferring the Division of Vital Statistics from the Census Bureau unless you transfer also the Division of Population.

That is the main point that I desire to lay before the committee this morning. I should say that I had felt a little uncertain whether such a transfer was contemplated by the bill. If it were not for the passages that have been incorporated in the speech of the Senator who favored the measure and certain remarks that have been made this morning, I would hardly have troubled the committee.

The CHAIRMAN. That is a practical point that we are glad to hear you upon.

#### STATEMENT OF J. N. McCORMACK.

Doctor McCORMACK. Mr. Chairman, I would like to ask if it will be possible to have another hearing upon this subject. There are speakers here from a distance who are anxious to address the committee. If that is not possible I would like to ask that the time of future speakers be limited to five minutes, so that we may present as many as possible of the physicians in the city at present on this matter. I therefore ask that the speeches be limited to five minutes.

The CHAIRMAN. The committee would like to hear from Dr. C. L. Wilbur. If the doctor has a prepared paper, or can not make his remarks within five minutes, we will be glad to have him leave his paper with the stenographer.

Doctor WILBUR. Mr. Chairman, I am a resident of Washington, and can conveniently appear this evening.

The CHAIRMAN. We will not have a meeting this evening. I hardly think that it will be possible to have another hearing at all if we are going to try to do anything at all on this subject.

Senator SMOOT. I think we can have another hearing, Mr. Chairman. I have word from San Francisco this morning that there are physicians there to be heard on the other side, and stating that it would take five days to get here, and they can not leave for a day or two, but will come just as quickly as possible. So I think it would be well to adjourn the meeting over subject to call, or to meet as soon as they get here, say ten days, in order to give them a chance to be heard.

I know there are a number of them here also who have said that they desired to be heard, but as it is impossible to hear the other side at this time I think it proper to give them a chance to be heard after this side of the question is presented.

Senator CRAWFORD. It seems to me that this subject is of so great importance, and there is so much to be contributed with regard to it, that no matter how enthusiastically it may be favored, it is going to be a practical impossibility to get this measure through the present session of Congress as it comes in so late. There are very many things that have the right of way ahead of it. I, for one, place very great value upon these hearings for the information we get. I should rather have the hearings held along from time to time and thrash this out, and have the matter clearly defined and understood to be considered at the next session of Congress, rather than try to pass this bill with incomplete hearings in the last hours of Congress. I doubt if it can be done.

The CHAIRMAN. I very largely concur, and we want the gentlemen who are here, particularly the professional men—health officers and physicians—to realize that in doing that I do not want the committee

to be put in the position of being inert and indifferent. I think these hearings are very helpful, but I want everybody to understand that if we do go on much longer it will be impossible to prepare legislation at this session of Congress.

Senator SMOOT. I think it is absolutely impossible, anyhow, because of the very fact that we now have completed measures before us which will occupy the time until July 1.

Senator CRAWFORD. This bill would take two weeks of constant debate in the Senate.

The CHAIRMAN. Suppose we fix on some day when everybody can be here for a further hearing.

Senator SMOOT. I would suggest that we allow sufficient time to afford everybody who desires to address the committee to get the matter in shape, for, I think, that is very important, and we could meet here—say, two weeks from to-day—and then we could have an evening session, too, and carry it on from that time until everybody is heard.

Doctor McCORMACK. I am entirely in accord with the idea of the committee that it is desirable to get full information on this subject. We believe that it is a matter that affects every home in the United States. We have some other speakers here this morning.

The CHAIRMAN. We can go on until 12 o'clock.

Senator SMOOT. I move that when the committee adjourns to-day it be to meet two weeks from to-day.

The motion was agreed to.

#### STATEMENT OF DR. C. L. WILBUR, CHIEF STATISTICIAN, VITAL STATISTICS, BUREAU OF THE CENSUS.

Doctor WILBUR. Mr. Chairman and gentlemen, in the very brief space that is allowed me I can not do justice to this question nor to the important interests involved, and shall therefore be very glad if I might prepare a brief for submission to the committee.

The CHAIRMAN. That is the wish of the committee. I feel that that would be the best solution.

Doctor WILBUR. I wish, however, to say only one thing as an expression of my personal opinion, and that is, that whatever adds to the forcefulness and power of the public-health service of this country will add to the efficiency of the registration of the vital statistics. Further, I do not believe that there is any insuperable objection to the transfer and control of registration of the proposed public-health department. It is simply a question of expediency as to whether it can be conducted better by such a department than that by which it is conducted at the present time, the Bureau of the Census.

As there are many questions that enter into this matter which can not be treated properly except at some length, I think that is perhaps all that I care to say at this time.



STATEMENT OF DR. FRANK BILLINGS, OF CHICAGO, ILL., DEAN AND PROFESSOR OF PRACTICE OF MEDICINE, RUSH MEDICAL COLLEGE, AND CHAIRMAN OF THE BOARD OF CONTROL OF CHARITABLE INSTITUTIONS OF THE STATE OF ILLINOIS.

Doctor BILLINGS. Mr. Chairman and gentlemen, what I wish to say is, first of all, in confirmation of what Doctor Darlington has said of the importance of this health work. I am here as a physician, but at the same time not as a physician who has a desire, as I am sure my fellows in the profession have not, to take any part in the administration of such a work as this, but simply to help forward a movement for the prevention of disease, and not in its curative sense. Therefore, we appear here not as representatives of any schools of sectarian medicine. There is no question or quarrel in the profession or any part of it, or any school of practice as to this matter, but practically, I think, all uniting in an effort to have a national department of some sort, and that for the conservation of the health of the people and their welfare.

Now, as stated by Doctor Darlington, this question is so important and so large that it stands foremost in the minds of the human race to-day. There is not anything that is making such rapid advance, perhaps, as the conservation of health, and yet it is done by private charities, and the States, in a way, in an unfortunate way, and we of the profession feel that, while we probably do not believe in paternalism of the Government, still the Government should take a hand in these matters. Nor do we come finding fault with the work which is done in certain departments to-day. The War Department, with its medical service, has done an enormous thing, and we feel that that is one of the reasons why this should be a Cabinet position, for the War Department is conducted under them, and the most efficient work done in the history of medicine has been done by that same department in Cuba, in Panama, and in the Philippines, and we believe it could not have done that if it had not been done under one bureau.

So far as the Marine-Hospital Service public health service goes, with its laboratories, and all that, we doctors recognize that they have scientific laboratories and workers in it, than which no better are to be found in the world, but existing as a bureau, they are in a sense handicapped in certain health matters relating to the different States. We doctors, I tell you plainly, feel that the bubonic plague was not handled properly in San Francisco. It was not handled improperly for any fault of the Marine-Hospital Service, because that service was interfered with by another department, because it interfered with commercial interests in a certain part of the country. We feel, therefore, that the health interests of the whole people would be better safeguarded if it should be under a Cabinet officer.

Now, why do we say that?

Senator SMOOT. Doctor, can you state in a very few words why it was not handled properly, and who was responsible for it, so that we may know?

Doctor BILLINGS. By the commercial interests of San Francisco preventing it.

Senator SMOOT. Through whom? Through the Secretary of War?

Doctor BILLINGS. No, sir; not through the Secretary of War.

Senator SMOOT. Through the Secretary of the Treasury?

Doctor BILLINGS. The Secretary of the Treasury; and as, for instance, one result of that was that the bubonic plague was carried right into Mexico.

Senator SMOOT. I have heard it mentioned here, but I have never heard anyone explain why.

Doctor BILLINGS. We will do that later on.

Senator SMOOT. Very well; I will not bother you further at this time.

Doctor BILLINGS. I, for one, feel, and my information is, that this work could be best done in a department, but I hope that finally things will be left as they are if we should not get a thing of that kind. I think this Government should be engaged in the study of all the problems that have been named by Doctor Kober. It is not only the infectious diseases or the contagious; it is also the conservation of health under sewage contamination. All of these are studies which the Government should take up, if they do not take a great active interest in it.

Now, whether that can be done under the existing bureaus brought together or not I am not competent to say, because that is an administrative question.

Mr. Chairman, I can not say all on this subject in five minutes that I would like to say, and I would like to have the privilege of submitting what I have to say in a little more detailed or consecutive order, after I return to Chicago, in a brief.

The CHAIRMAN. We will be glad to have you do it. In stating that we would like to have all these briefs, I do not want it to be understood that they can all be printed as part of the record; that will depend on their volume. We may have to exercise some choice in selection, printing only those things that have been admitted and not discussed, in order not to duplicate the discussion on the same subject.

Doctor HOLDEN. Well, I may possibly be able to run through with the remarks that I have in a little over five minutes.

The CHAIRMAN. Have you your remarks reduced to writing?

Doctor HOLDEN. No, sir; only some of the records that I want to hand in as a part of my remarks.

Doctor McCORMACK. May I ask Doctor Holden if it will be convenient for him to appear here two weeks from now in order that we may hear other persons who are resident out of the city? He is living in the city, and there are other gentlemen who do not live here who are very anxious to be heard. Of course we want Doctor Holden to have ample time, and I think in two weeks from now he could have all the time he desired.

Doctor HOLDEN. If you have made that definite arrangement, and if there are strangers here, I shall be very glad to give way and allow them the opportunity to be heard to-day. As I reside in the city, I can come at any time.

I desire to give the complete position of our people. It is vital to us, as the bone and sinew of the United States are the people who bear the heat and burden of the day. I do not want to be restricted to a few minutes, and I do not want to consume the time of others who desire to be heard, so I will gladly retire this morning in favor of some one else.

The CHAIRMAN. Very well.

**STATEMENT OF DR. WOODS HUTCHINSON, PROFESSOR OF CLINICAL MEDICINE, NEW YORK POLYCLINIC.**

DOCTOR HUTCHINSON. Mr. Chairman and gentlemen of the committee, I should like to say a few words from the view point of a former state health officer of the State of Oregon in regard to the effect of this bill upon the existing health agencies of the different States.

As the committee is aware, admirable work is being done by a majority of the States of the Union on the boards of health, and under their special personal supervision, but this national movement would enormously increase the efficiency. I happen to be personally acquainted with, I think, over half of the state officers of this country and I know that almost to a man they are cordially in favor of a national organization for this purpose and feel that it would greatly increase their efficiency, their ability to work together, and their ability to determine and settle questions which involve two or more States, as, for instance, river pollution and the spread of contagious diseases across the border of one State to another.

The question of the efficiency of the bureau, or of the department, I think, has already been alluded to. The matter of the San Francisco difficulty has been brought up by one of the committee. I happened to be state health officer of Oregon, the adjoining State, during part of that trouble, and it simply illustrates exactly the difficulty which could not be removed by any bureau of public health, but which would be swept away at once by a national department. The Marine-Hospital Service, through its officers there, reported on the bubonic plague, I believe, in 1900. Their report was denied by the authorities at San Francisco, except certain members of the city board of health and by the state authorities. The matter was taken up with the board at San Francisco and was taken to the official head or superior of Surgeon-General Wyman—then Secretary Gage, I believe—and he overruled the action of the Marine-Hospital Service and of Surgeon-General Wyman, and the matter was held in abeyance there for three years, and the only thing that brought that matter to a focus and induced San Francisco to recognize that the plague was in her borders was that the other States of the Union, in their organization of health officers, which were to meet at Washington, had made up their minds that they would declare quarantine against the State of California if the matter were not taken up and officially recognized and properly dealt with, and that is the sort of thing which would have to take place wherever the public health of the United States, as distinguished from separate States, is left solely with a bureau.

I think the feeling throughout, not merely with the different state health organizations, but with the different philanthropic organizations, several of which I happen to be connected with in the work upon child labor, the prevention of infant mortality, and the congestion of population, and the several associations of municipal leagues, are all of them practically united in a demand for a department of public health. It is not a matter simply of the medical profession—there are no schools in preventative medicine. We all agree in regard to the means that should be adopted for the prevention of disease and the promotion of the health of the community. In my



own State the state health officer is a very efficient one. In my own city, New York, the health officer is not a medical man; he is a doctor of philosophy, and is an admirable officer, who has had one term of office.

So the movement is not in any sense a movement by the medical profession or by any particular school in the medical profession.

There is one other point that I would like to speak of, and that is in regard to the advisability of having the head of this department a cabinet officer. We have the feeling, not merely in the medical profession, but in the scientific and in the philanthropic world, that there has come a new form of state laws and a new type of men trained under the methods of modern science, which type of man is as yet not represented in the Government in an official position, with discretion in the decision of these matters; and we believe that it would be to the advantage of the country in every way to have as a member of the Cabinet and for consultation, not merely upon questions of public health, but upon the number of broader questions of public policy, a man who has been scientifically and, if I may say, humanitarianly trained to look at the matter from the point of view of the welfare of the individual and the health of the United States, and not merely from the very important and rather too exclusive representative of our present political institutions point of view—of commerce and of law. We believe that his counsel would be of value, not merely upon this one question, but also of others that would come up. We are firmly convinced that if you should turn over to the medical profession the question of crime, we would reduce it one-half within twenty-five years by better medical treatment in the community from which the criminals come and the improvement of the general conditions of the lower stratum of that community. You can not only, as Doctor Wiley has said, fit men so that they will resist disease, but you can fit them and condition them so that they will resist temptation. You can build them up materially as well as mentally.

Senator SMOOR. What power has the Government to do that?

Doctor HUTCHINSON. Through the coordination of existing agencies and through the taking up of such problems as the child-labor problem.

Senator SMOOR. You mean you accomplish that indirectly and not directly—speaking of the criminals—reducing the criminal element 50 per cent? Do you mean that you will accomplish that indirectly and not directly by any power of the Government?

Doctor HUTCHINSON. It must be done by the Government. The Government alone can give the power to do that.

Senator SMOOR. In what way would you accomplish it? It looks to me that you would have to accomplish it indirectly; that is, through the teaching of the States, perhaps, how to accomplish this. The Government can not go in and interfere with men's liberties, or anything like that, or states rights. Would you do it indirectly by showing the people how to live better?

Doctor HUTCHINSON. Well, the matter could be reached both directly and indirectly. For instance, in dealing with crime the first thing is to get the present point of view of our large body of laws changed altogether, so that the criminal will not be regarded as an

offender, but as an individual who requires cure and treatment rather than punishment.

Senator SMOOT. I thought that was your idea. If that is the case, would it not be the state laws that would take care of that rather than national laws?

Doctor HUTCHINSON. The state laws, but just as with the other existing agencies. We have our state boards of health. The creation of a Cabinet officer would immensely increase the efficiency of those boards of health.

Senator SMOOT. That is the statement that you made in the convention, and I then wanted to ask you in what way it could be done. I would like to know how it would increase the efficiency of the board of health of the city of New York?

Doctor HUTCHINSON. That is one question before the sanitary authorities in the city of New York in which it has had to call in federal aid, and that is the sewage pollution of the harbor of New York and the Hudson River, which has necessitated—and I happened to be personally connected with the movement—a long and expensive process for army equipment, on account of the military question involved, in order to get anybody to send in, and, as it were, adjudicate between those two conflicting interests.

Senator SMOOT. I can understand how the pollution of water that flows from one State to another would become an interstate question, and that is about the only question where I can see that the Government can take any action whatever; and as to the reduction of crime, it seems to me that your idea and mine agree—that crime can be greatly reduced, but it does seem to me that that should be, and can only be, done by state law and not governmental law.

Doctor HUTCHINSON. Well, Senator, in the matter of the other question, it is a matter, if I may without offense use the term, a question of the amount of acquaintance with the particular health questions as they come up. There are, at every point, matters which are interstate; for instance, the spread of contagious disease. In my own State of Oregon there was continual trouble around the borders of Oregon and California. If we could have to-day a higher authority to whom we could have appealed and had come down and stated the matter, it would have avoided serious trouble.

Senator SMOOT. You would have a perfect right to say that the people of California should not come into the State of Oregon.

Doctor HUTCHINSON. Yes, sir.

Senator SMOOT. But the Government has not the right to say that.

Doctor HUTCHINSON. But if the Government could have sent an official there, it would have been different. Of course many of these things are matters of opinion. We would say that it was smallpox, and they would say that it was Cuban itch. We had no one to refer that question to, and there are a score of other illustrations of the same sort that would come up.

The CHAIRMAN. The committee will now adjourn to meet two weeks from to-day at 10 o'clock.

(Accordingly at 12 o'clock noon the committee adjourned until Thursday, May 19, 1910, at 10 o'clock a. m.)

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NO. 2

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PROPOSED DEPARTMENT OF PUBLIC HEALTH

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MAY 19, 1910

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ROOM 414, SENATE OFFICE BUILDING  
WASHINGTON, D. C.





THURSDAY, MAY 19, 1910.

COMMITTEE ON PUBLIC HEALTH AND  
NATIONAL QUARANTINE,  
UNITED STATES SENATE,  
*Washington, D. C., May 19, 1910.*

The committee met at 10 a. m.

Present: Senators Martin (chairman), Smoot, Bristow, and Crawford.

Senator Owen also appeared.

The CHAIRMAN. We will hear General Sternberg first. General, we will be very glad to hear from you at this time.

STATEMENT OF GEN. GEORGE H. STERNBERG, SURGEON-  
GENERAL, U. S. ARMY, RETIRED.

General STERNBERG. The bill which has been introduced by Senator Owen has my hearty indorsement, as I believe it has that of everyone familiar with the facts relating to the great mortality in this country from preventable diseases. These facts have long been familiar to sanitarians and students of vital statistics and have been well presented in the document prepared by Prof. Irving Fisher, entitled "National Vitality: Its Wastes and Conservation" (S. Doc. 419). I suppose the only reason why we have not long since had a government department to look after the public health, and to take the lead in instructing the people how to prevent the enormous waste of human life from preventable diseases, is because our legislators have not heretofore realized the importance of this subject. After the great epidemic of yellow fever in 1878, Congress was greatly aroused upon the subject of preventing future epidemics of this disease and a national board of health was organized. But this board was not provided either with the authority or the financial support necessary to make it a success. Its members were engaged in other occupations and did not receive salaries. They were therefore unable to devote any considerable portion of their time to questions relating to the public health. They did, however, inaugurate investigations which after more than twenty years led to a demonstration of the method by which this disease is transmitted from man to man and as a result of this knowledge we have learned how to control this pestilential malady and we have good reason to believe that it can never again prevail as an extended epidemic within the limits of the United States.

I refer especially to this disease because I was a member of the commission sent to Habana in 1879 to make investigations with reference to its cause and prevention. These investigations were subsequently continued by me in the same city in 1888 and 1889 and in Rio de Janeiro, Brazil, and Veracruz, Mexico, in 1887. I was not able to bring my investigations to a successful termination because I had no opportunity to experiment upon man. Having myself suffered an attack of yellow fever I was an immune and could therefore not myself serve as a subject for an experimental inoculation. Fortunately the Spanish-American war gave me an oppor-

tunity to initiate further investigations, which resulted in complete success so far as the demonstration of the method of transmission of yellow fever is concerned. As Surgeon-General of the Army I organized the Habana yellow-fever commission, which, as you know, found volunteers among its own members and among the soldiers serving with the army in Cuba, upon whom the necessary crucial inoculation experiments were made. You are familiar with the beneficent results of these investigations, and I desire now to call your attention to the fact that yellow-fever prevention is a small matter compared with that of tuberculosis, typhoid fever, hookworm diseases, and various other endemic infectious diseases. The great yellow-fever epidemic of 1878 invaded 132 towns and cities in the South and caused a mortality of 15,934 out of a total number of cases exceeding 74,000. But the mortality from tuberculosis, within the limits of the United States is, every year, more than ten times the mortality from yellow fever during the great epidemic of 1878. In this city of Washington alone we had 746 deaths from tuberculosis in 1909. Such a mortality from an earthquake or flood or a conflagration in some distant city would arouse the sympathy of the entire nation.

Probably the principal reason why, in the past, Congress has done little to aid in the campaign for the prevention of this disease is because the knowledge that it is a preventable disease is of comparatively recent origin and has not completely penetrated the minds of our statesmen. The sanitarians and physicians of the country have been convinced of this fact for twenty years or more and have taken the lead in a campaign for the extinction of this scourge of the human race. And it is most encouraging to know that within twenty years there has been a reduction in tuberculosis mortality of from 20 to 40 per cent in many American cities. In the city of Washington the reduction has been about 50 per cent since 1880, the year in which the tubercle bacillus was discovered, and in the last ten years it has been nearly 30 per cent. This is shown by a chart which has been prepared under my direction, and which I submit for your inspection. Some one may say, "If such progress is being made why should Congress be called upon to establish a department of public health? Why not leave questions of this kind to the doctors and to philanthropists?" In reply I would say, why not leave all educational matters to teachers and philanthropists? What is the necessity for a public-school system with grants of land for its support, and a bureau of education to look after its interests? Why not leave questions relating to agriculture to the farmers? This would be more logical than to leave the physicians of the country, unaided, to fight against the preventable diseases. The fact is that the doctors have already done a great deal more than their share. Because they are better informed they have taken the lead in all efforts to educate the public with reference to sanitary matters and to secure necessary sanitary legislation. They have nothing to gain by such legislation. On the contrary, their clientele will be diminished exactly in proportion as their efforts in behalf of preventive medicine are successful.

It is not just that the cost of preventing disease and reducing mortality should be a tax upon the time and financial resources of that small proportion of our citizens who have been instrumental in



organizing associations such as the American Public Health Association, the National Association for the Study and Prevention of Tuberculosis, and various organizations having the same objects in view in many States, counties, and cities. The Association for the Prevention of Tuberculosis of the District of Columbia, of which I have the honor to be president, was organized in 1908. This association has raised funds for a vigorous educational campaign, for the maintenance of a tuberculosis dispensary, for the support of trained nurses to visit dispensary patients in their homes, for the instruction of children in the public schools with reference to the cause and prevention of this disease, etc. But we have great difficulty in raising the money for this work. A large majority of our citizens do not respond to appeals for financial support. The burden for this work falls upon a few philanthropic and enlightened persons, while the benefits are for the community at large, and especially for the laboring classes, who can not be expected to do much in support of such undertakings. To obtain the best results it is evident that the General Government should take the leading part, and it is just that the cost of preserving the public health should be met by a tax upon the people generally. We do not depend upon private enterprise for the defense of our seacoast from foreign foes or for the prevention of infectious diseases among our hogs and cattle. Why should we depend upon the altruistic efforts of a few citizens of the Republic and the munificence of a Henry Phipps or a John D. Rockefeller for the extinction of tuberculosis and hookworm disease? It is hardly necessary to insist further upon the importance of the interests involved. Can anyone contend that the sanitary interests of the people are less important than their commercial or their educational interests? Or is there any good reason why the General Government should not recognize these interests by establishing a department of public health and placing a Cabinet officer at the head of it? Other speakers have pointed out the economies that would result from bringing under one head various branches of public-health work now being carried on in the bureaus attached to existing departments.

I do not know whether anyone has suggested that the Volunteer Soldiers' Homes might properly be administered in connection with the Public Health Service. The Government Hospital for the Insane hardly seems to belong to the Interior Department, but would readily find its place in a new department of public health. Finally, I would say that, in my judgment, the object which Senator Owen's bill proposes to accomplish will eventually be demanded by the people of the United States. It is now asked for by a large majority of those citizens who are best informed upon matters relating to the public health, and it will be greatly to the credit of the present Congress if this measure is enacted into a law before it finally adjourns. I understand from the newspapers that certain persons will oppose this bill because it is advocated by the American Medical Association. As an ex-president of that association, I desire to say that we advocate pure food, pure milk, pure water, pure drugs, hygienic living, sanitary homes, and an organized effort to prevent all preventable sickness and mortality among the citizens of this Republic. Those who are not in favor of these things will naturally appear before you in opposition to Senator Owen's bill.

(The chart mentioned in the foregoing statement, directed to be made a part of the record by the chairman, is as follows:)

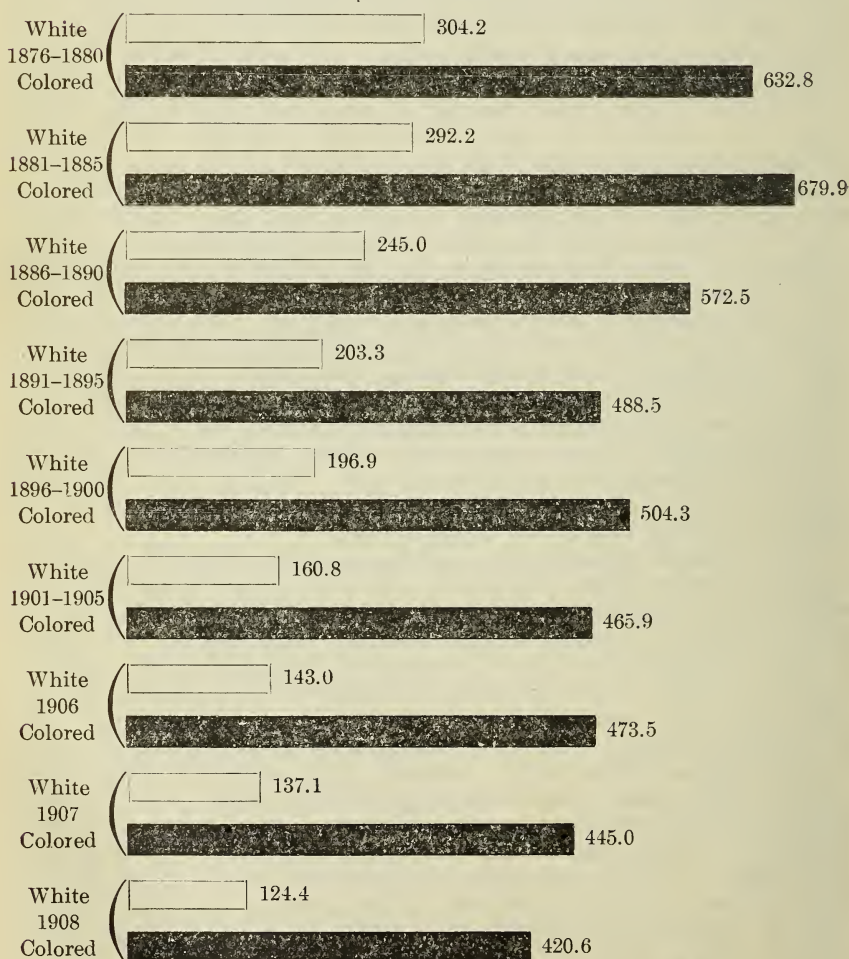
## CHART

*Showing estimated death rates per 100,000 of the population from*

### PULMONARY TUBERCULOSIS

#### DISTRICT OF COLUMBIA

*from 1876-1905 inclusive, by five-year periods,  
also for 1906, 1907, and 1908*



The CHAIRMAN. It is the purpose of the committee to give the balance of the time until 12 o'clock to those who favor this measure. We are not able to say that any additional time can be given to

those who are in favor of it. It is possible the committee may wish to call some people for the purpose of getting special information or advice or opinion which they may feel they need. We are certainly not able to give any assurance of hearings after 12 o'clock to-day to those who are in favor of this measure.

I will therefore be glad if those who speak during the balance of the hearing to-day will be as brief as possible. A paper has been handed to me which divides up the time. It was not done at the instigation of the committee, but by those who have acted in advocacy of this measure, and they have asked me to request those who appear to limit themselves to the time assigned by this paper.

First on the list is Prof. R. S. Woodward. Doctor Woodward, I see your time is limited to five minutes. If there is anything you can not say in that time, you may hand to the stenographer a paper, which will be examined by the committee with a view to having it incorporated in the record. I say it will be examined by the committee, because we do not wish to have a duplication of the record. We would guard against a duplication in order to have a concise record of the proceedings before this committee.

#### STATEMENT OF PROF. R. S. WOODWARD, PRESIDENT OF THE CARNEGIE INSTITUTION OF WASHINGTON, D. C.

Professor WOODWARD. Let me state that my time is very pressing, and I shall not speak more than a few minutes. I hope it will be less than five.

First, I would like to state to you that I do not appear here in my official capacity as president of the Carnegie Institution of Washington. I appear here rather as a citizen who is deeply interested in these matters of public sanitation. I wish to make only two points before the committee.

The first one is that I heartily approve the bill of Senator Owen. It seems to me that it is the only bill which can adequately deal with this great public question. To relegate the functions of such an organization as we contemplate to some other department than one devoted wholly to the public health, in my judgment, would be to emasculate the work which we all wish to see accomplished.

In making this statement I would like to say that I do not wish to imply anything in the way of disparagement of the great good work that has been done by many of our bureaus directly or indirectly interested in this question. The Bureau of Public Health and Marine-Hospital Service has accomplished great results, which can not be praised too highly. I would like to speak in commendation also, especially of the extraordinary work done by Doctor Wiley, or under his direction, with respect to enforcing the pure food and drugs act. If we expect, however, to accomplish what is desired in coping with the great problems before us, nothing short of a department devoted wholly to the public health can succeed.

Now, the second point I wish to call to your attention is the economic aspects of this question.

There is no doubt in my mind, and I think it can be easily demonstrated by means of figures, that there is no subject for consideration by a department of this Government that is more fraught with



economic possibilities than this, unless it would be the Department of Agriculture.

I should say that the amount of money, to put it on a low monetary basis, that can be saved by means of a department of this kind is fully as great as the income derived from the agricultural resources of the United States.

Now, finally, Mr. Chairman, let me say that the professions of medicine, of sanitation, and the scientific profession generally can furnish the men and the methods, the ways and the means, for accomplishing the results aimed at by this bill. It only remains for you gentlemen of the National Legislature to authorize the work.

Senator CRAWFORD. Doctor, there is one statement you made that I do not quite understand. That is, your second point in reference to economics. Did you say that the saving which could be made would be equal to the entire returns in the Agricultural Department?

Mr. WOODWARD. Yes.

Senator CRAWFORD. That is pretty broad.

Mr. WOODWARD. It is pretty broad; yes, sir.

Senator CRAWFORD. I do not quite understand that. You are speaking of money?

Mr. WOODWARD. There are appropriated annually something like \$14,000,000 for the maintenance of the Department of Agriculture. That department secures probably ten to a dozen times as much as that in monetary return for its work.

Senator CRAWFORD. You mean this will equal that in return on the investment?

Mr. WOODWARD. Yes, sir; the saving to the public health by means of such a department would be fully equal to the saving and the returns accomplished by the Department of Agriculture, measured on a merely monetary basis.

The CHAIRMAN. A percentage of that \$14,000,000 which has been appropriated for the Agricultural Department goes to public health, does it not?

Mr. WOODWARD. Yes.

Senator SMOOT. Five millions dollars at least is expended.

**STATEMENT OF DR. J. B. G. CUSTIS, OF WASHINGTON, D. C.,  
PRESIDENT OF THE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS  
AND OF THE BOARD OF MEDICAL SUPERVISORS OF THE  
DISTRICT OF COLUMBIA.**

The CHAIRMAN. I do not want to interfere in any unreasonable way with your wishes, but if you have a paper I would suggest that you file it with the stenographer and then give us such points as you have.

Mr. CUSTIS. I will merely use it as a guide to my remarks. I will not take more than five minutes. I have prepared a paper, but it is only in order that I may be concise in my remarks.

Mr. Chairman, because of the representation that the homeopaths of the country were opposed to the passage of the bill under consideration, I was invited to answer for them. I am always glad to have an opportunity to speak as a homeopathist, but although a member of the interstate committee, which is practically their legislative body, I can not report any resolutions adopted, yet I can say that

the matter has been discussed and that there has been no opposition to the establishment of a bureau of health whose representative should be a member of the Cabinet. I am sure that our organization will, if the bill before you is made perfect, give to it its indorsement. By being made perfect I mean that there should be established in connection with the department a bureau for the investigation of effects of drugs upon animals and healthy human beings, and a full record of all cases of poisoning throughout the country, the bureau to study the causes of disease and give the best possible instruction for avoidance of same, and give careful consideration to any questions proposed by men properly qualified or connected with recognized colleges and universities.

There should also be a carefully worded provision as to the eligibility of those who would enter the competitive examinations for the positions which naturally require educated physicians. Such a requirement should be dependent upon licensure by the boards of several States and the District of Columbia, without regard to the institutions which have issued the diplomas. This would eliminate the possibility of discrimination against the graduates of any of the now recognized schools. I offer this suggestion not because of any actual fear on the part of the representative homeopathist, but to meet the sentiments of the men who are opposed to the enactment of this bill.

Now, Mr. Chairman, having been called as a representative of a minority school, I feel that I can take a different position from that held by most of those who preceded me. Each one has talked about the possibilities the Government has in the field of preventive medicine, and has presented the economic side of the question. I agree with almost every speaker I have heard. The fact is that every line of preventive medicine, every rational regulation of the health office, every discovery that has lead to the lessening of disease, its modification or cure, represents the unselfish work of one or more physicians who have felt under obligations to have no secrets and profit by no patents; but the great body of these physicians have always striven to keep up the standard of education and maintain the code of ethics based upon the highest laws of morality, and have gone so far that they must transfer their interests to a body that, because of its resources, can take up the work that can not be done by private enterprise, no matter how self-sacrificing or energetic, as individuals, they may be. The Government seems to be the only body to which this can be intrusted. It can determine uniform standards, it can avail itself of the services of the best educated graduates from our colleges, and employ them until they have time to outgrow the serious impediments which youth offers to the recent graduate.

This great body of physicians, who are meeting the requirements of the day, are entitled from the Government to some recognition, in view of the great amount of capital represented by their education—the education of each well-equipped physician representing from \$8,000 to \$12,000.

I feel safe in asserting that there is not a well-equipped and honestly conducted medical college in the country that is supported solely by the fees received from its students. Without large endowment directly given or coming through university connection the standards of to-day

are hard to meet. Most of the postgraduate work of to-day can be done in laboratories of the Government, so that for these reasons I believe the physicians of the country should aid in the establishment of the all-important department, which could avail itself of much of the work already accomplished in the already established departments; by centralization of the laboratories they could reduce expenses caused by duplication of the work done.

The opposition to the bill I believe to be shortsighted. There can be no trust in medicine. Public opinion has reached a state where injustice will not be tolerated, and I believe it is possible to establish a department of health upon an altruistic basis, the influence of which will be felt throughout the country. There is no danger of doing injustice to the smaller colleges. Much of the labor expended by their faculties is lost, and certainly the possessor of the diploma would be better able to meet the requirements of the day after having met the demand of the larger institutions. There is not one of these larger institutions with which I am familiar from which it is not possible for a poor young man to graduate. Most of them have facilities for furnishing employment during the vacation, the remuneration for which will meet the necessities of the year, especially when added to by the generosity of those students blessed with more of this world's goods.

The school which I represent is in the van of medical progress, fears nothing from any organization or trust, and has announced that the only reason they have not invaded the army, navy, and marine services in greater force is that they have not been able to meet the demands of the cities which offer greater inducements than the services already mentioned present. We will on all occasions aid in every way to bring about the best results for the profession, aid in the growth of the nation, the promotion of health, the usefulness of its citizens, mitigation of suffering, and be glad of any assistance that can be given by the department of health which will represent the combined wisdom of those who have inherited by right the accumulated knowledge of the ages represented by this grand profession. I fully realize that this can not all be accomplished at once, and if in your wisdom you decide that we had better have a bureau rather than a department the school will give its aid until you are convinced of the need of the latter. I am glad because of the especial efficiency already developed in the Department of Agriculture, which has done more to aid in our special study of *Materia Medica* than they suspect, to advise that the bureau you establish be connected with that department.

Mr. McCORMACK. Mr. Chairman, Mr. George Shibley is a leading lawyer of the city, who represents the osteopaths. His wife is an osteopath. I would like to ask that he be permitted to file a paper.

Doctor Foster is a leading eclectic physician and a Member of the House of Representatives from Illinois, who would like to represent that school. I will ask that his statement be incorporated in the hearing.

The CHAIRMAN. You will hand those papers to the stenographer. They will be incorporated in the record.



(The paper is as follows:)

AMERICAN BUREAU OF POLITICAL RESEARCH,  
Washington, D. C., May 19, 1910.

*To the committee having in charge the national health department bill:*

As a citizen and a lawyer I am deeply interested in the establishment of a national health department. Possibly I can help to dispel some of the fears of those who, in other ways, have come into conflict with the American Medical Association.

There is no possible way whereby any medical sect can secure national health regulations that will interfere with the State's control of the licensing of the competing schools of healing. License laws are enacted by the States under the police power; the Federal Government has nothing to do with it. Such is the constitutional law, agreed to by everyone. The court decisions construing the state and federal constitutions are collated in the American and English Encyclopedia of Law, second edition, volume 22, pages 919 and 935.

It being a settled fact that the control of the licensing system is in the States, and there being in the States no tendency to surrender that power, it follows that the osteopathic physicians, the homeopathic physicians, and the eclectic physicians, whose occupations are licensed under state laws, are in no danger from a national health department.

But all schools of practice are mutually interested in securing the establishment of a national health department, for it will best unify the agencies for promoting healthful conditions. The commercialism which now exists in the national health bureaus because they are subordinate to a commercial department should be terminated, and an up-to-date and strongly financed campaign should be waged by the Federal Government against ignorance and for better conditions. The national health department can do much scientific and educational work that will be helpful within the range of the state activities, just as the National Agricultural Department is helpful to the States.

The need for the establishment of the national health department is most pressing. The people are less protected from disease and death than are their cattle and hogs. A properly conducted department of health can do for the people in general what the Department of Agriculture is doing for the farmers. All of the people are vitally interested in the proposed department, while only about one-half of them are directly interested in the Department of Agriculture.

Respectfully submitted.

GEO. H. SHIBLEY.

## STATEMENT OF MR. ARTHUR E. HOLDER, REPRESENTATIVE OF THE AMERICAN FEDERATION OF LABOR.

The CHAIRMAN. Mr. Holder, the paper handed to me allots you twenty-five minutes.

MR. HOLDER. Mr. Chairman and gentlemen of the committee, I thank you for the generous allotment of time, and promise you that I will certainly use not more than half of it—probably not that much. In the few remarks that I am to make before the committee, I wish first of all to say that I represent the American Federation of Labor, which is directly composed of 8,000,000 people, including the families of the members, and indirectly all of the labor of our country, because our organization is possibly the only vehicle through which can come an expression directly; and we come before this committee to-day to impress upon you that it is a great duty that is presented to you in the consideration of this bill.

We believe that this subject of public health is the greatest that has been presented before the Sixty-first Congress. It has to do with the life of the nation. It is closely akin to the labor of our country, and we come before you to-day not only heartily indorsing the general principles of the proposition, but we come also with the suggestion that the name of this proposed department be added to; that it be the department of labor, health, and education.

We ask for that, for upon the health of the nation depends the efficiency of labor and the economic value of the laborer is one of the arteries of commerce. I believe that will be readily acceded.

Interstate commerce is a subject of federal supervision, and in connection with that the commercial condition of men is interstate health and should be a matter of federal supervision. We have had legislation and we have had consideration regarding the protection of property for decades. Now we come to a turn in the road, and this bill is a subject for the consideration of legislation for persons or purely human interests and affairs—to come back, if you please, to the first principles of our Government, which was the interests of humanity, and we believe that men are more valuable than property.

At this particular time, Mr. Chairman, I want to say in behalf of the labor organizations, that we have no axe to grind; we have no personal interest at stake; we are not seeking anything for ourselves; we do not want public positions, but we do want the concentrated intelligence of the United States to be so collected and to be so coordinated that it will add to the life and the happiness and the economic efficiency of all the people—and that is the broad standard upon which we proudly stand.

Navigable streams are protected by the Federal Government. Why? In order to give aid to commerce so that there will be no unnatural obstruction. Polluted water supplies of interstate waterways have been neglected, however. Surely it has been a sad oversight, and yet there has been many glaring illustrations of the necessity of federal supervision of water sources.

I want to touch upon a point possibly that has not been brought out before by any gentlemen who have appeared in the interests of this bill; and that is the value of men to commerce. A remark was made in a public meeting in the city of Chicago two or three years ago that went the rounds of the public press and created quite a furore and there was more truth than poetry in it. It was a blunt, brutal, strong expression; but it was almost true. It was said that when a workingman reaches the age of 40 that the most charitable thing that could be done to him was to take him out and shoot him. It was made by a workingman. What does this mean? It simply meant that the needs of commerce, or at least the attitude of commerce and employers, had made it impossible for a man who should be unfortunate enough to fall out of employment at the age of 40 to obtain employment, and if he was not able to employ himself, you can readily understand what an unfortunate chain of circumstances confronted him.

In many lines of industries so much is required from the brawn and muscle of our people that in thousands of instances they are practically worked out at that age, and that only leaves them twenty mature years to be applied to the preparation for a rainy day. I think it is largely because of this fact that their health has been undermined and their vitality has been sapped, and they have not been able to keep up that pace that would be a source of profit to their employer.

I want to read to you for a moment a newspaper item from the Washington Post that went the rounds of the press during the second week of this month [reading]:

DEATH TOLL OF OHIO WORKERS—BETWEEN 300 AND 500 AUSTRIANS AND HUNGARIANS KILLED MONTHLY.

(CLEVELAND, May 8.

Between 300 and 500 Austrians and Hungarians are killed monthly in the mills and factories of Ohio, and 1,500 others are maimed, according to Ernest Ludwig, consul for Austria-Hungary, who announced to-day that he would appeal to his Government to take some action to alter the conditions which he claims exist.

Mr. Ludwig has conducted an investigation into the working conditions in Ohio manufacturing plants with a view to making a report to his Government. He declares that in one mill that employs about 600 hands 1,200 persons have been killed in nine years, and that in another death takes a toll of 1 every day.

The consuls representing other European nations are said to be making similar investigations with the intention of taking concerted action.

Mr. Chairman and gentlemen of the committee, that is an indictment against the United States of America. Has it come to this, that we have to have the foreign consuls ask the protection of foreign governments for the labor of the United States regardless of the fact that they are American native born or whether they are foreign born?

Senator CRAWFORD. Now, in regard to that condition in Ohio, will you please state whether those deaths were caused by accident in the factories, or unsatisfactory conditions in the factories, or both?

Mr. HOLDER. The deaths that this item particularly refers to, Senator, are caused evidently by the lack of safety appliances and the chasing of men beyond a normal pace.

Senator CRAWFORD. What I wanted to get at so that we could look at it intelligently, is this: If that is a condition existing in factories scattered through the different cities in Ohio, purely manufacturing concerns, then it is really not interstate commerce. It is a matter—however lamentable it may be—for which the State of Ohio is primarily responsible, rather than the Federal Government, because of the fact. It is a condition found locally in the municipalities of the State. How would the Federal Government reach it?

Mr. HOLDER. Did you get through, Senator?

Senator CRAWFORD. I am only putting that as a suggestion.

Senator SMOOT. Let me suggest something, too, so that you can answer all at once. I remember of reading that article very carefully. It struck me as being a very remarkable statement and I have asked a number of the representatives from Ohio if there was anything in that statement or whether it was one of the ordinary, common exaggerated statements of a newspaper correspondent, and they all assured me that it is an exaggerated statement; that there is no such condition existing in any city in Ohio, and that the mere fact nothing has been said or done—I do not know whether there has been an investigation made—but we have heard nothing more. Therefore, I wonder if there is truth in it or not. Do you know, yourself, or have you made any examination as to whether there is any truth in it, because it seemed such a phenomenal thing to say that in a factory employing 600 people that in nine years 1,200 people have been killed. At the time I read the article I thought it was very strange and I wondered what kind of business it was that would be so destructive to man. Do you know whether there is any truth in it or not?



Mr. HOLDER. In answer to that, gentlemen, I would say that this particular statement which I have just read and which I am glad has also been observed by you, I know nothing concerning. It bears the name evidently of a very responsible gentleman, which is given in the item, who would surely know whether the statement is true or exaggerated. I trust that it is not an inspired statement for mischief making. I personally know this—

Senator SMOOT. I would rather have it that way than to have it true.

Mr. HOLDER. Yes; I would, too.

I personally know this: That during last summer when the great economic struggles were being waged between the unorganized employees of the Pressed Steel Car Companies, at McKees Rocks, Pa., Butler, Pa., and Hammond, Ind., those institutions and those industries were generally and regularly proclaimed as human slaughter-houses by the press and public writers.

I mixed with the men around and through McKees Rocks and Butler. I heard some very agonizing stories; some things so astounding that they are almost impossible for me to believe, and I have been accustomed to hearing pretty strong statements. I promised myself if I ever had an opportunity to go before a senatorial committee, I would ask to have an investigation of these grave charges.

Only last week, sitting in the office of a Representative in the House Office Building, I was informed by a man whose neighbor had been working in the hospitals of one of the large steel plants in the State of Pennsylvania, the name of which at this time I do not wish to give publicity to, that even in the hospitals of that steel plant neglect equivalent to willful murder was committed when it was found it would be better to have a dead man than a crippled man in that plant.

Senator SMOOT. I think it would be proper for you, interested in changing such conditions, to state what hospital it was. I have no interest in it further than to have it corrected, and I would like very much to find out where this occurred and see if there is any truth in that statement or not.

Mr. HOLDER. If that is the sentiment of the committee, I will try to get further information concerning it, and promise to have facts mentioned. I wish I had them to present to you this morning, but unfortunately I have not. The plant is the Bethlehem Steel Company, at Bethlehem, Pa., and I hope this committee will exercise its authority as far as it possibly can to see whether the statement that has been furnished to me is a correct one or not.

Now, coming back to the subject of interstate commerce and interstate health, where are we as citizens with grave problems upon our hands going to ascertain where the fine twilight zone is; where the dividing line of states rights and federal rights is going to commence and going to end, and I believe that we are finally driven for refuge, gentlemen, to the great broad principle that is contained in Article I of the United States Constitution which says:

That the Congress shall have power to provide for the common defense and general welfare of the United States.

Senator CRAWFORD. The trouble is those questions have really been settled.

Senator SMOOT. By decisions of the Supreme Court.

Senator CRAWFORD. They have been settled absolutely by the Supreme Court of the United States. It is not a twilight zone. It is an absolutely clearly defined line. If it is business like that of an interstate railway and the men are engaged in running trains from one State into another, that would clearly come under the jurisdiction of the United States; but if it is a factory, manufacturing some article over in Cleveland, simply a manufacturing plant situated wholly in a State, organized under the laws of the State, every man in it from daylight to dark or from dark until morning working within the State, the State of Ohio must in the very nature of things be responsible for the manner in which sanitary conditions are permitted to prevail there. Police regulations are permitted to be established there, and if the Federal Government goes in there to do that, we might just as well wipe out state lines absolutely and entirely, and let the States lose their individuality altogether. Under the decisions of the Supreme Court, Congress can not trample down the distinctions between the entities that we call State and Federal governments. We are absolutely helpless. If we were to amend the Constitution that would be a different thing; but we have to treat a situation as it is, not as one person might think it ought to be. There is the environment with which we must deal with a question of this kind.

Mr. HOLDER. I accept that as being settled and the facts as you have related from a legal standpoint, Senator, but suppose we put it this way: That from a humanitarian, patriotic ground we are safeguarding the health of the public. Is not that a public function and one worthy of the most exacting federal supervision? Then the corresponding question must be asked, What constitutes a public function? Now, that is in line with the common defense——

Senator CRAWFORD. That is a public function, but it is a public function of the State.

Mr. HOLDER. Exactly. But in further answer to that question, what are we to say providing that this item that I have just read from the Post is correct, and if this consul appeals to his Government for protection, is the Government of Austro-Hungary to receive satisfaction from the State of Ohio, or is the United States going to be held responsible for the action of the State of Ohio?

Senator CRAWFORD. There is not an authority on international law by which the Austrian Government could come to the Federal Government and say: "We want you to pay for lives that were lost while engaged in the service of a manufacturing concern located in the State of Ohio," those operations having been entirely within that State.

Mr. HOLDER. True; but think of the reflection upon the good name of the United States if such an action is brought, or if such an investigation is asked for by a foreign ambassador. The Federal Government, and not the States, is responsible to a foreign nation, and the foreign nation is responsible to the Federal Government.

Now, Mr. Chairman, I appreciate the amount of time that has been given to me. I have here a copy of a statement that I want to have included, which is supplementary to the remarks I have made, and I want to close with a quotation from a very distinguished Senator in a speech that he made a day or two ago, because I believe

that it will have a marked bearing upon the merits of the legislation asked for in this bill. This Senator said:

I have a strong faith in the maxim of Abraham Lincoln, which based its doctrine on "An unfettered start and a fair chance for every man in the race of life." From that standpoint I intend to approach all public questions. I intend to look to what appears to be the welfare of our countrymen, and emancipate myself from all traditions left over from other generations, and propose to consider with conscientious care the interest in these problems of the 90,000,000 people who constitute the constituency of every Senator who is so honored.

I believe, Mr. Chairman, that really contains the meat of the whole subject-matter.

(The statement is as follows:)

SUPPLEMENTARY STATEMENT SUBMITTED BY ARTHUR E. HOLDER, LEGISLATIVE COMMITTEE, AMERICAN FEDERATION OF LABOR. COPY OF RESOLUTION ON "NATIONAL HEALTH," ADOPTED BY THE EXECUTIVE COUNCIL OF THE AMERICAN FEDERATION OF LABOR AT ITS QUARTERLY MEETING, JUNE 15, 1909.

"Whereas legislation for the improvement of public health is legislation directly for the benefit of the members of organized labor, and even more for the benefit of the families of the members of the American Federation of Labor:

*Resolved*, That the American Federation of Labor shall cooperate in supporting the legislative programme of the committee of one hundred on national health, and further include the legislative programme of the committee of one hundred on national health in the legislative programme of this association; and

*Be it further resolved*, That a special committee be appointed to cooperate in securing such legislation at Washington."

It was moved and adopted that the officers of the American Federation of Labor cooperate with the committee of one hundred on health, for the promotion of public health, in every way consistent with the demands of the American Federation of Labor for the establishment of a department of labor.

The executive council of the American Federation of Labor at its Twenty-ninth Annual Convention, held at Toronto, November, 1909, reported to the convention as follows:

The features enumerated under that of "public health" concern us generally as citizens, and as representatives of the wage-earners we are primarily concerned to see that a concise plan in the conservation of public health follow along these lines:

- "(1) Facilities for protecting individual and family health.
- "(2) Prevailing knowledge of hygiene and sanitation.
- "(3) The means of maintaining the health.
- "(4) Offices, boards, and commissions and educational instrumentalities, laws and regulations governing hours and conditions of labor.
- "(5) The whole morale of the nation in its relation to the states—of immigration, imported disease, and vice.
- "(6) Effect of immigration on customs and institutions.
- "(7) The relation between the public health and current industries, of mine and factory inspection, fires, floods, storms, accidents connected with railways, vessels, and effects of noxious fumes, and dust, etc., particularly the effects of confinement and excessive hours of labor; means of reducing accidental and other losses and risks.
- "(8) Benefits of desirable and necessary improvements in length of life, accelerated growth in population, increased comfort, and earning capacity, augmented efficiency, and intensified humanity and patriotism."

We recommend to this convention that the committee on public health be continued and every effort made to assist in the consummation of this most highly necessary purpose.

The subject-matter of this resolution was referred to the committee on industrial education at the Twenty-ninth Annual Convention,



held at Toronto, Canada, November, 1909, and that committee reported as follows:

Your committee approves of the action of the executive council on this matter and recommends that the committee be continued. The committee in question consists of President Gompers, Vice-Presidents Mitchell, O'Connell, and Hayes, and Secretary Morrison.

This resolution was submitted to the Twenty-ninth Annual Convention of the American Federation of Labor at Toronto, Canada, November, 1909.

Resolution No. 37—By Delegate D. D'Alessandro, of the International Hod Carriers' and Building Laborers' Union of America:

"Whereas in localities other than cities and thickly settled centers, in the digging and construction of work undertaken by the federal and state governments, as well as by private corporations, conditions which are destructive of health and morals and dangerous to life generally obtain; that is, the workmen are generally huddled in large numbers in tiers of bunks, in freight cars, in cabooses, in sheds, with plain boards for beds, with only sufficient room for the men to lie in rows, where for months at a time they have neither the facilities nor the opportunity to disrobe or attend to the most ordinary requirements of cleanliness and necessary changes of clothing, thereby impairing not only their own health, but helping to spread filth and disease among the people with whom they come in contact after the season's work is closed; and

"Whereas such condition of affairs is not only brutal to the men employed on such work, but is dangerous to all our people and is repugnant to the spirit and concept of our time; therefore be it

"Resolved, That the American Federation of Labor in convention assembled hereby expresses its abhorrence and condemnation of such treatment accorded to human beings; and, be it further

"Resolved, That the executive council of the American Federation of Labor is hereby directed to demand from the Federal Congress such legislation and from the executive heads and governmental departments that they shall provide for such laws and regulations as will afford workmen engaged in the lines of work indicated in the preambles to these resolutions, such quarters and sleeping accommodations as will conform to some such reasonable degree of sanitary and healthful conditions as can be provided in the prosecution of such work; therefore, be it

"Resolved, That the same efforts be made by the officers of the Federation of Labor of the different States, coming within the jurisdiction of the various States, and that copies of these preambles and resolutions be furnished by the president of the American Federation of Labor to the officers of such state Federation of Labor."

The committee on resolutions to whom this resolution was referred, reported it out of committee favorably and the convention adopted it with directions to the officials to advance its provisions.

In response to these resolutions the following bill was introduced in Congress by Mr. Nicholls, of Pennsylvania:

[H. R. 25501, Sixty-first Congress, second session.]

A BILL To provide for the health and comfort of employees living in construction camps in the District of Columbia and the Territories.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That after the passage of this act in all construction camps in the District of Columbia and the Territories, where employees are required to abide and sleep nightly while engaged in railroad construction, bridge building, road making, quarrying, or any other kind of work in connection with which the employees are required to remain away from their homes for the purpose of carrying on said work, the employers shall furnish all such workmen comfortable and healthful habitation with accommodations for resting, eating, and sleeping; said habitation may be in railroad passenger cars, the interior of which shall be suitably arranged, or buildings erected by the employer. There shall also be provided within such construction camp one or more bathrooms, furnished with a sufficient supply of hot and cold water and all necessary accessories, wherein the employees may daily bathe. It shall also be the duty of the employer to select one or more persons whose duty it shall be to see that the entire

camp is kept in a sanitary condition and that the bathrooms are kept in a proper condition for daily use.

SEC. 2. That the Secretary of Commerce and Labor shall prescribe rules and regulations for the purpose of carrying out the provisions of this act, and, upon information that any employer shall have failed to comply with the provisions of this act, shall direct such changes made in any construction camp as will meet with the requirements of the foregoing provisions.

SEC. 3. That any employer violating the provisions of this act or rules and regulations prescribed by its authority shall be guilty of a misdemeanor and shall be fined one hundred dollars for the first offense and fifty dollars for each day the violation is continued.

### STATEMENT OF DR. JOHN S. FULTON.

The CHAIRMAN. Doctor, from the paper handed me by those who are advocating this measure, ten minutes has been assigned to you for such views as you care to present.

Mr. McCORMACK. Doctor Fulton was formerly secretary of the state board of health of Maryland.

Mr. FULTON. Thank you very much, Mr. Chairman. That will allow me ample time. There are many reasons that lead me to believe that there should be a department of health instead of a bureau, which have been stated by others. I want at this time to refer to at least one instance, which I feel is a class of cases in which the Government of the United States in relation to foreign governments and its relation with the state governments is placed in a somewhat anomalous position.

I think something ought to be done to lift the public health functions of this country into a state of parity with those of other governments with which the Federal Government is in relation. There are, as a matter of fact, quite an extensive class of cases in which we are in relation with other governments mainly in respect to notifications of various kinds, notifications about communicable diseases, notifications about the clearance of ships from infected ports, notifications about the death of aliens in this country, and other such notifications. Many of these understandings or relations are not expressed in writing. Some of them are mere gentlemen's agreements, but some are expressed in writing, and of those that are expressed in writing some, I am told, are not to be taken very seriously. My certain knowledge about cases of that sort is very limited. My information is by no means so limited, however.

I am going to mention one case in which it seems to me there was a convention between the United States and a foreign country, as far as the Government of the United States is concerned. This is a letter of the Secretary of State, dated Washington, May 26, 1906. It is not my property. It was given to me and I am allowed to present it by the state board of health of Maryland, of which I was formerly the secretary, and to which this document refers. I am reading article 16 of the convention between the United States and the Kingdom of Italy, concerning the rights, privileges, and immunities of consular officers [reading]:

In case of the death of a citizen of the United States in Italy, or of an Italian citizen in the United States, who has no known heir, or testamentary executor designated by him, the competent local authorities shall give notice of the fact to the consuls or consular agents of the nation to which the deceased belongs, to the end that information may be at once transmitted to the parties interested.

Without reading the full text of the letter, this is what Mr. Root, then Secretary of State, says:

The Government of Italy alleges that the local authorities of the States of this Union fail in many instances to comply with the stipulations of this article under which it becomes their duty to notify an Italian consular officer of the death of any Italian subject without known heirs or testamentary executor designated by him which may occur within their jurisdiction.

I have the honor to ask that you will kindly bring the provisions of the article in question to the attention of the competent local authorities in your State, in order that its stipulations may be complied with.

This letter is addressed to the governor of Maryland. Its contents show that it refers to another letter of similar purport some years earlier, dated July 14, 1893. I can not show you that, but I suppose it may be found in the Department of State.

Here, then, one finds two instances in which the Government of Italy has protested to the Government of the United States that it does not carry out definite international relations. As far as I know, there have been but two such instances, but I can say this from my knowledge of the status of that very question in the United States, that probably every month during the whole period that this convention has been in existence the Government of Italy could have made a protest to the Government of the United States. This was dated in 1906, and another one having been sent out in 1893, it shows very clearly that the Government of the United States was not in a position to bring about compliance with the treaty.

Here is a case in which the Government of the United States, acting as the agent for the sovereign States, has assumed a conventional obligation, and that obligation has not been ratified by the governments of the States.

That applies to a class of questions which clearly indicates to me the need of a department plenty able to assume the responsibility in local governments. Now, there are other notifications about which—

Senator SMOOT. Doctor, if you expect that to be any kind of an argument for us to base a decision upon, I want to say this: That that letter from the State Department is not in any way a command upon the board of health of any State; nor could it be construed as such. It was simply asking for certain information, but they had no right whatever to demand it, and the State of Maryland need have paid no attention to that letter whatever. It could have thrown it in the wastebasket and the State Department could have taken no action at all. Don't you so understand it?

Mr. FULTON. Yes, sir; that is the point, Senator Smoot.

Senator CRAWFORD. I can see a great deal of merit in your proposition for a department of health here, but I can not see anything to be gained along the lines you are trying to develop by going into the States with some sort of mandate in a matter that is purely a state concern, and a police regulation, and a sanitary matter, over which you have no authority. There is a great field here for a department of health, but when you get into that domain, of which you have been speaking, you are beyond the reach of the power of Congress.

Senator BRISTOW. This is not the first time that those embarrassing questions have come up in our history. The Government has no authority to enforce that agreement.



Senator SMOOT. Every government on earth could find trouble with us if they paid attention to such things as this.

Mr. FULTON. Senators, you assume that I am making a proposition which I am not. I am saying that the Government of the United States is in an embarrassing position, to say the least, in relation to those conventional obligations. It is a very infirm document. It has danger in it for the Government of the United States as matters now stand. There is certainly no reason on earth why we should register dead Italians in the United States; no sufficient reason why we should register Germans; the point is, that the Government of Italy can do this very thing because it registers dead Italians, while we, in this country, do not register dead Americans, it would be quite absurd to agree to do that for Italians already in this country when we do not do it for the citizens of this country. That, Mr. Chairman, is a public health question—the registration of deaths in this country is one of great importance, and, so it is in respect to numerous other notifications. The commerce of this world proceeds on the credit of nations and on the belief that they will notify other nations of conditions existing inimical to the welfare of commerce or the welfare of the people, and this country has such agreement. Now, it seems to me to indicate very clearly that the Federal Government has a function—not a legislative function necessarily—regarding its own power to compel a State to do this, that or the other thing, but it certainly is the function of the Federal Government—

Senator CRAWFORD. Right there, Doctor, you say, “The Government ought not to.” I do not think I would give them the power if I had the power to do so, because we must have municipalities keenly alive to the fact that as a municipality they have responsibility; that they can not unload onto the Federal Government. We must have these States, like the State of Ohio, where death is so frequent in her factories, and the State of Ohio must understand that it has a responsibility; that they can not unload onto the Federal Government, and that the Federal Government can not assume its responsibility and its duty. These communities must be kept keenly sensible of the fact that they have responsibility, and the very distribution of our Government into local republics, such as counties, cities, and States, is for the purpose of bringing home to those local communities the responsibility they have toward their own people, and when we want to put it all here in Washington and take it off their shoulders we are going too far.

Now, I want to be understood here. I am giving a great deal of very earnest attention to this proposition, and it has been impressed upon me that there is a field for unification and coordination in this department; but let us not get carried away to the point of lifting off the shoulders of these States, counties, and municipalities their responsibilities as local organizations to do their full duty.

Mr. FULTON. Precisely so, Senator; and if there were a proposition here to give to the Government of the United States, or to encourage the Government of the United States to exercise any such function as you mention, I should be one of the first to protest against that proposition. Verbatim et literatim throughout the remarks you have just concluded, I agree with every word you have said. The United States has, however, a very important function relative to the government of the States

Senator CRAWFORD. That is true.

Mr. FULTON. And the foundation of its function—at least the spirit of its function—should be this, in my judgment: It should do everything in the world which it can to develop local efficiency and do nothing whatever except in cases of extraordinary emergency to substitute any proper function of a local government. That is as near as I can come to the principle which underlies the federal and state relations.

Senator SMOOT. I do not think there ought to be any emergency of any kind that the Government would go into the State—a mere local function of a State—and assume it.

Mr. FULTON. I am afraid they do in some instances.

Senator CRAWFORD. We have a stock quarantine now.

Senator SMOOT. That is because of its being interstate.

Mr. FULTON. We have, I am sure, most of the essentials of a department of public health in the Government as it now stands. The question to which I am endeavoring to speak is with reference to whether they should come under a department or whether their duties can be satisfactorily performed in a bureau. In the conditions which I have mentioned do you not think it wise to raise it to a departmental grade, and do not my statements show, if true, that under the bureau system things of that sort are not thoroughly attended to?

I intended to say something about the essentials of a department of public health. I think there are now in the Government sufficient bureaus in existence to be transferred to where they can grow. The nucleal organism or the master organism of a department of public health would be the Bureau of Public Health and Marine-Hospital Service. It should have its bureau strengthened in such way that it can do the things of which I have been speaking. It should have the power first of all to acquaint itself with the status of sanitary administration and legislation in all parts of the United States; being fully advised, it should get this information on the spot and otherwise; with this information it would be in a position to develop this very matter of local efficiency. The States do not have to be driven in any way. On the contrary, they are seeking to improve their status continually. They have no means at this time except to travel all about the United States or to wrestle at home with these problems, and I am sure that the Bureau of Public Health and Marine-Hospital Service would be of the very highest utility and could dispose of its own energies according to its best judgment.

There are plenty of good examples in the United States of state and city government. There are also examples of the other sort. A properly equipped department of public health could establish reasonable standards in all parts of the United States. They have an extraordinarily good laboratory. It has done lots of first-class work, but that is not about what I am speaking, and I want to stick to administrative matters. I think an essential feature of that particular work is that the department ought to be able to send out flying laboratories for the assistance of boards of health here and there when conditions of gravity reaching beyond state lines occur.

The main point, then, I think, of a department of health, even from the view of the United States Public Health and Marine-Hospital Service, is the existence of a bureau of vital statistics in connection with a department of health. I do not think that the practice of

hygiene can be learned apart from the vital statistics, nor do I think that it can be tested or corrected or have definiteness in quantitative relation or practically in any relation except when controlled by a real study of vital statistics. There is no bureau of that sort in connection with the present bureau. It is an unused bureau of the existing bureau of Public Health and Marine-Hospital Service. They have in terms the right to make studies of vital statistics, but beyond the expressed right they have no power to make such studies, and because of that lack I say part of the machinery of the corps is so far limited.

Then the next thing the bureau needs, it seems to me, is a chance to govern a population, as sanitarians and as public hygienists. I do not think that anyone can become a practical hygienist without actual experience on a population. They can be good emergency people; they can know something about extraordinary situations, but routine work and the daily practice which brings readiness and efficiency can not be obtained except in actual practice upon a population. The District of Columbia has such a population, and I think that the sanitary government of the District of Columbia, or its public hygienic government, should be in the hands of the department of public health. The powers of a board of health of that sort should be of many sorts, parts of them advisory—and I would say that most of them are advisory. The great power of the Local Board of Great Britain is not mandatory. Neither is it in Germany, and yet those are highly efficient organizations. They aid and develop in a tremendous way the ability and efficiency of local government, and what they are doing in those countries and others can undoubtedly be done in ours whenever our bureau is properly surrounded and has the environment in which that sort of work can be done.

At this time it seems to me like a very strong promising plant, and all it needs is to be set in a soil where it really can develop and become strong.

Beyond the things I have described as essential, there are many which are desirable, some of which are mentioned in Senator Owen's bill; but I do not wish to go further than to consider the things which it seems to me are essential for a department of public health.

#### **STATEMENT OF SURGEON-GENERAL WYMAN, PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE OF THE UNITED STATES.**

Surgeon-General WYMAN. Mr. Chairman and gentlemen of the committee, I have always had in mind that ultimately we should have a department of public health with a secretary in the Cabinet, and I have always had that desire in mind and I have never opposed a department of health. I wish to say that I am in favor of it.

There are certain advantages connected with it, some of which I have not heard mentioned yet and which I will speak of. They may not seem to you very practical and yet, from a broad, humanitarian and altruistic standpoint, I think they are worthy of consideration. For one thing, a department of health with a secretary in the Cabinet would have far more influence with relation to dealing with foreign countries. It would help the work already begun with regard to international sanitation. One nation will help another in the matter of sanitation. When we think of the bad sanitary conditions in the



various countries, particularly in India, China, and some other nations that I might mention, and realize that we are called upon to spend money and labor in the suppression of these diseases that come from them, I believe that the matter of international obligations is one worthy of very full consideration. That matter has gone so far that there has been already an international sanitary office established in Paris representing most of the continental countries and the United States. There is also an International Sanitary Bureau of American Republics here in Washington and there is an International Sanitary Conference of the American Republics which is held every two years in the different countries. Two of them were held in Washington, the third was held in Mexico, and the fourth was held in Costa Rica. There is no doubt that these international conferences have a very good influence in backing up sanitary efforts in the more backward countries, insisting as they do upon sanitary regulations and the sanitation of the ports. The ports of the different countries are the points of contact between nations, and if you sanitize the ports you will have such good results and these results will become so manifest that the influence will be felt in the interior places.

Another feature of international sanitary organization is this, that if we can get the nations interested in sanitation as nations and get up an international sentiment with regard to sanitation, it will have a marked influence upon this very desirable, but as yet somewhat chimerical, idea of international arbitration and world-wide peace. If we can divert the energies of nations from armament and the maintenance of large armies and navies, and show what benefit would ensue if the large appropriations for the same could be diverted to the sanitation of the bad places in the nations, it would certainly aid in the movement to establish universal peace.

I do not wish to detain you long, Mr. Chairman. I only want to say that I myself personally and as Surgeon-General of the Public Health and Marine-Hospital Service—and I speak also for the corps—do not wish to be considered in any way opposed to any measure that will benefit humanity or will benefit the well-being or the health of this country, and, if you see fit in your wisdom to establish a department of health with a secretary in the Cabinet, we would receive it with pleasure. There is nothing personal which would operate in my mind to oppose anything of the kind. Whatever disposition you may make of me, whatever disposition you may make of our service, if it adds to the general health of the country, we will gladly accede to it. I wish to be understood with regard to this matter, and I believe that is about all I wish to say.

Senator SMOOT. General, just a moment. If the Government furnished the Public Health and Marine-Hospital Service Corps an additional amount of money, is the organization in such a shape that it could carry on this work provided the money were given and additional powers conferred by the Congress?

The SURGEON-GENERAL. There is a great deal to be done which is not done that could be done by enlarging our powers and increasing our appropriations. This was asked for two years ago in a bill which was presented to the Senate and passed the Senate and was reported favorably from the House committee, but never came to a vote in the House. Our organization is very good so far as it goes, but I do not

wish to pit it against a department as opposing the idea of a department. It is an efficient organization in its way. It has its divisions, and I think their duties are very clearly and well defined.

Senator SMOOT. You think if a department was created, it would be the proper thing to have your present bureau under that department?

The SURGEON-GENERAL. It would be a department with our bureau and with some others, according to the ideas that have been expressed. We would be the principal factor in it, I think.

Senator SMOOT. Do you know of any reason why your bureau should not be placed under a department of health, provided it is created; or, in other words, is there any special line of work that you are carrying on now that could not be carried on by you as a part of the department of health?

The SURGEON-GENERAL. I have found it very difficult to enlarge our bureau, Mr. Senator, and while I believe we are in a position with enlargement to do things properly, still there are certain matters connected with a department with a secretary in the Cabinet, such as I have related, which would give dignity, force, and efficiency to the attitude of this Government with regard to such matters.

Senator SMOOT. You are speaking of international relations? You think the department of health would take that up?

The SURGEON-GENERAL. I think the department of health would take it up and the secretary of the department of health would be right at the elbow of the Secretary of State.

Senator SMOOT. Well, that is a question we would have to consider very carefully as to whether there would be a conflict between two different governments.

The SURGEON-GENERAL. We have a very fine organization, and the divisions therein relate to each branch of public-health work. We hope, Senator, that notwithstanding this department of health legislation, that legislation such as is immediately necessary and which I have indicated already as having been in the last Congress and the present Congress, may be given us without interfering at all with the idea ultimately of a department.

The CHAIRMAN. General, Senator Owen wanted to submit some questions.

Senator OWEN. General, I only wanted to ask that if a department should be established and the bureau over which you preside should be transferred to it, do you not think its efficiency would be largely increased?

The SURGEON-GENERAL. It would be increased over what it is now; yes, sir.

Senator OWEN. That is all.

TREASURY DEPARTMENT,  
PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE,  
Washington, May 19, 1910.

Hon. REED SMOOT,  
*Committee on Public Health and National Quarantine,  
United States Senate, Washington, D. C.*

SIR: In response to your request for information with reference to statements made before the committee alleging suppression of facts concerning the bubonic plague in San Francisco in the years 1900, 1901, and 1902, and that through the pressure of commercial interests, the Marine-Hospital Service in those years was influenced to

suppress the facts and to modify its quarantine regulations by the head of the Treasury Department and even the President, I have to state as follows:

I beg leave first to refer to the statement which I gave to Senator Owen and which he included in his speech before the Senate on March 24 last, in which I stated that there was no effort on the part of the bureau or the department to suppress the facts nor to minimize them.

When plague was announced in San Francisco March 6, 1900, the fact was immediately published in the Public Health Reports, published weekly by the bureau, and transmitted through the same to the health officers of the United States and to foreign countries as well, and the cases continued to be reported up to December 28, 1900, the end of the calendar year.

In accordance with custom, and without any special direction, the officer in charge of statistical reports started new tables at the beginning of the new year, and in these new tables did not carry forward the cases which had already been published in the preceding calendar year. The existence of plague, however, was well known to all sanitary authorities, despite the fact that the local press of San Francisco was denying it.

On account of controversies as to the nature of the disease, and to secure local co-operation, so necessary in its eradication, a special officer from the Bureau arrived in San Francisco January 1, 1901, and on his recommendation a commission of three experts not previously connected with any government service was appointed January 19, 1901, to verify the actual presence of plague, its members arriving January 25 and 27.

The governor and state board of health denied the existence of plague. The governor had wired a protest to the President of the United States and to the Secretary of the Treasury against the presence of the commission of experts, which protest was ignored, but his opposition and that of the state board of health was preventing necessary full measures of eradication, and while endeavoring to convince them and secure their cooperation, and while the commission was still performing its functions, it was deemed advisable temporarily to defer public statements. The result was a thorough understanding with the governor, the state board, and representative citizens, by which a large fund was raised locally and placed under the control of a marine hospital officer, and cooperation was secured, and Chinatown received a thorough cleaning.

As to the report of this commission of experts, a brief preliminary report was received on February 18, 1901, of 6 cases occurring between February 5 and 16, and the chairman was wired immediately to convey this information in person to the mayor of San Francisco and to the governor at Sacramento.

A partial report of the commission, showing the number of cases found, was published in the weekly Public Health Reports of March 22, 1901, and a synopsis of the full report was published March 29 in the same publication. The full report was published April 19, 1901, its nature and length being of a character to require its being published as a separate document.

There has become evident a desire to make a wide sensation out of the report of this commission, beyond what was necessary and proper, and it was so handled that, while the central facts were not delayed, the sensational reports which would have inflicted much injury upon the State of California for years was prevented.

The bureau was not dominated in this matter by any higher authority.

Another intimation has been that the quarantine inspectors placed by the bureau at the border of the State of California where railroads cross into adjoining States were removed by the order of the President and the Secretary of the Treasury, they being influenced by commercial interests in California.

These inspectors were placed there by order of the bureau dated May 17, 1900, for the purpose of inspecting the inhabitants of Chinatown, San Francisco, who might be leaving the State and cooperating with the inspectors within the quarantine district in Chinatown who were furnishing certificates.

This provision was made largely as a precautionary measure in anticipation of an increased outbreak of the disease—which did not occur—and in the meantime legal complications arose with regard to the quarantine, and it was determined by the bureau to remove these inspectors as being unnecessary, which was done about June 18, and they have never been replaced.

It is true that about this time the governor of the State did wire the President protesting against these quarantine measures, but so far as can be ascertained, no official correspondence was received by the bureau from the President or the Secretary of the Treasury, though so far as can be remembered some mention of it was made over the telephone and the reply given that the bureau had already determined to withdraw all inspectors at the border.



It has been further asserted that the plague which appeared in Mazatlan, Mexico, in December, 1902, was brought there by a steamer from San Francisco, the *Curacao*, on October 13, 1902, and that the Mexican authorities had not been officially notified of the plague in San Francisco, and that international treaty had thereby been violated.

In the first place, there was no international treaty with regard to the matter in existence at that time. Moreover, previous to that date, constantly every week the notice of plague in San Francisco was printed in the Public Health Reports and sent to the Mexican authorities.

The Mexican authorities themselves have not directly charged the *Curacao* with bringing plague from San Francisco to Mazatlan, admitting that their investigations do not show the conveyance by persons, but intimating that the vessel may have brought the plague in freight of Chinese origin, but whether this freight came directly from Chinatown in San Francisco or was transhipped from some vessel that came directly from Asia, could not be determined.

Inquiries with regard to this point were set on foot by the bureau, and the United States consul at Mazatlan, under date of March 27, 1903, stated that no one could tell from what steamer the infection was brought to Mazatlan, nor from what country it came. It is well known that plague had been existing in South America previously and that steamers during this time were plying frequently from the various ports on the east coast around to the various ports on the west coast, and there is nothing to demonstrate that the plague came from San Francisco rather than from some port in South America.

I have the honor to remain,

Respectfully, yours,

WALTER WYMAN, *Surgeon-General*.

The CHAIRMAN. If Doctor Wilbur is here, we will let him finish the statement he was on the other day.

Five minutes has been allotted to you, Doctor Wilbur.

**STATEMENT OF DR. CRESSY L. WILBUR, CHIEF STATISTICIAN  
FOR VITAL STATISTICS, BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE AND LABOR.**

Doctor WILBUR. Mr. Chairman and members of the committee, vital statistics are the foundation of sanitary science. There is no dispute or question whatever among all sanitary authorities that this is so, and it is everywhere recognized among public-health workers that the first appeal must be to vital statistics to show where the enemy is—the disease whose ravages are to be prevented or restricted—and the last appeal also to prove just how effective or ineffective have been the sanitary methods employed. As stated by Dr. Arthur Newsholme, now the medical officer of the local government board of England—

It is scarcely too much to say that modern sanitary science owes its existence to the registration of deaths and their causes, and the localization of insanitary conditions thereby insured. By its means, conjoined with the census returns, we are able to submit to numerical analysis the facts relating to the laws of vitality, the influence of age and sex, of civilization, occupation, locality, season, and many other agencies; and our knowledge of all the facts bearing on health and disease has attained a precision never before known.

Greater interest in public health on the part of the Federal Government, whether by the establishment of a department of public health or otherwise, would be of the utmost service to the improvement of vital statistics in the United States, whether the special work on this subject was or was not incorporated therein. I express this opinion with the full concurrence of the Director of the Census, who desires that the results of the registration of vital statistics shall be made of the greatest service to the people of the United States by the best means adapted to that end.

To secure the general registration of vital statistics in the United States is one of the most difficult problems that confronts the Government. The census has made unexampled progress in this respect since its permanent organization, and is constantly at work, with all the power given it by law, to extend the area of effective registration.

Whether, in case a department or bureau of public health is created, it would be desirable to transfer the collection of vital statistics from the Census Bureau to the new bureau or department is a matter which calls for careful consideration and as to which I desire to express no final conclusion.

There are advantages, under the present arrangement, in the close connection of vital statistics and the census of population, and in the use of the census methods and tabulating machinery, developed as only the decennial operations of great magnitude would warrant. There is a risk that the statistical side of the work would be neglected, as it has been neglected in many States and cities, in an office devoted to public health. There is the danger, although the very remote one, that the statistical results might be colored by administrative wishes; this is a possibility in States and cities whose health officers may wish to show extremely low death rates as evidence of their ability as sanitarians. The safeguard for the latter danger is to make the statistical bureau absolutely impartial and independent so far as results are concerned. There is no insuperable difficulty, however, in the way of such a transfer, although I believe that, even if it should ultimately be thought wise to make it, the work should be left in the Census Bureau until the new bureau or department is fully under way.

Senator CRAWFORD. Would that not be a duplication of expense? Would not the Bureau of Statistics want to collect information of this character anyway?

Mr. WILBUR. It could utilize results obtained in the census.

Senator CRAWFORD. The Census Bureau is already equipped to do that work?

Mr. WILBUR. Yes, sir: they are doing that.

Senator CRAWFORD. And they are experts in that line when it comes to gathering statistics. I would like to know where the benefit would come by transferring that great mechanical systemized bureau in the census over into the health department? What would be the advantage derived?

Mr. WILBUR. I am not here to advocate immediate transfer. Certainly not.

Senator CRAWFORD. But we want to know. Now, I am in sympathy with a great deal of this, but when it comes to a matter of that kind I want to know. Now, where is there going to be any benefit in taking that work out of this great department, skilled in that line, where it is easier to push it a little further and get more details if needed; now where is that going to give us any improvement? What is going to be the benefit to the Government by dumping that over into the health department?

Mr. WILBUR. Senator, I think I will take up some of these points in the next paragraph or two of my remarks, and if the statement is not fully clear at the conclusion I shall be very glad to give further answer to this question.

Senator CRAWFORD. Very well.

The point I wish to emphasize, however, is the desirability of move active efforts on the part of the Federal Government to extend the scope of the registration of vital statistics in this country. A few years ago I estimated that under present conditions it would be nearly or quite the middle of the century before this country would have a fairly complete system of vital statistics. If the Government should actually cooperate with the States for this purpose—and by actual cooperation I mean a reasonable division of expense, as in the cooperative collection of statistics of manufacture, the state and federal weather services, etc., with the postal facilities, such as are available in Canada, for example, for registration returns—it would be quite possible to bring this result about in a single decade.

This will seem a long time to those who are entirely ignorant of the actual conditions of registration of vital statistics in the United States, and who do not know that the Federal Government has no power at all to register births and deaths, but must depend upon the States to enact and enforce laws for this purpose. They may expect the passage of a law for a national department of health to work some magical transformation in this respect; if so, they will be grievously disappointed. The old National Board of Health held a conference on vital statistics at Washington in 1880, and the methods adopted as the only feasible ones for national authority to follow were substantially the same that the Census has been pursuing for the past ten years. Not a single practical suggestion has been made during the entire course of the present agitation for a national department of public health in the direction of any improved methods of procedure.

The period I have named (ten years) within which a complete and effective system of registration of vital statistics, births as well as deaths, might be put into effect through the cooperation of the Government, and with the cordial support of Congress and the cooperation of the States, will seem very short to those who know the long history of worthless registration laws and negligent administration of even fairly good laws. I make the statement after full consideration, however, and after a practical experience of seventeen years in registration work, during which time I have drafted many laws now in effective operation. If only Congress and the people of the United States could fully realize that our lack of adequate laws for the registration of vital statistics is a national disgrace and a handicap that means loss of lives, unnecessary sickness, and financial injury by interfering, as in the present case, with effective public health work, and would take hold of this deficiency with a view to its remedy, we would have no difficulty in bringing the result about within the time indicated. There has been no real cooperation with the States as yet.

It is not possible in the short time available before this committee to discuss the practical questions involved in the building up of a competent system of vital statistics for this country. Reference should be made to the decennial reports on vital statistics and to the annual reports that have been published by the Bureau of the Census for each year beginning with 1900. A mass of valuable data is being accumulated that will be of the utmost service to the department of public health when it is ready to utilize it. A special analysis of the mortality statistics for the past ten years will be prepared as soon



as the population figures of 1910 are at hand, and life tables are now in process of construction, with the cooperation of a special committee of the Actuarial Society of America, so that we shall have at no distant date the most reliable bases for studying the mortality of this country so far as registration records are available.

Besides the annual reports, the special pamphlets issued by the permanent Bureau of the Census may be consulted, many of which were prepared for the purpose of helping to extend the sphere of registration. I have here copies of the pamphlets on Practical Registration Methods, designed to aid state and local registration officials in the actual work of registration; Relation of Physicians to Mortality Statistics, a new edition of which will soon be issued, based on the revised international classification and the new nomenclature of diseases which the census is cooperating with a special committee of the American Medical Association to introduce into general use among physicians, so that intelligible statements of cause of death may be made; Registration of Births and Deaths, with drafts of laws and forms of certificates, which has been followed up by the American Medical Association in its Bulletin (Jan. 15, 1909), containing the same model law with reasons for its enactment: Extension of the Registration Area for Births and Deaths, showing how the cooperative census methods were applied to Pennsylvania. This State, after attempting in vain for over fifty years to register its vital statistics, met with complete success at once by the adoption of the census draft, and is one of the very few States in which the attempt is actually made and carried out to enforce the full provisions of the law requiring physicians and midwives to register their births; the relation of the Bureau of Vital Statistics to the state health department of Pennsylvania should be carefully examined by the committee. Also in the pamphlet on Tuberculosis in the United States, prepared for the recent International Congress on Tuberculosis, may be found an account of "The work of the Bureau of the Census in vital statistics," showing the mechanism of registration and tabulation and also a map indicating the progress made since the establishment of the registration area in 1880. I also would like to add, to be printed in connection with this statement, should the committee consent, a memorandum on the relation of vital statistics to the proposed department of public health, which takes up some of the questions in a little fuller detail.

I thank the committee for its attention and hope that I have made clear at least one point, namely, that the determination as to the best way in which the essential function of registration of vital statistics shall be conducted and encouraged demands much fuller investigation than has as yet been given it in connection with the proposed enlargement of the federal work in public health.

(A memorandum mentioned by Mr. Wilbur, directed by the chairman to be made a part of the record, is as follows:)

MEMORANDUM ON THE RELATION OF VITAL STATISTICS TO THE PROPOSED DEPARTMENT OF PUBLIC HEALTH.

The relation between vital statistics and the work of public hygiene is very intimate. All sanitary authorities are agreed that accurate vital statistics are indispensable for efficient public health service, whether municipal, state, or national. This dependence, together with a view of the general scope of vital statistics, is well expressed in a standard work on public health—Notter and Firth's "Theory and

Practice of Hygiene," formerly known as "Parkes's Hygiene"—which, in the introduction to the chapter on vital statistics, states as follows:

"An accurate basis of facts, derived from a sufficient amount of experience and tabulated with proper precision, lies at the very foundation of hygiene, as of all exact sciences. It is desirable, therefore, that all persons interested in sanitary science should know what data are at their disposal, how to collect them, and how to use safely the various facts placed before them. Probably no single cause has contributed more to the attention now paid to questions of public health than the careful collection of the statistics of births and deaths, and of the causes of death, which have been collected and published by the registrar-general's office during the past fifty years. These collections of figures and facts are usually spoken of as vital or health statistics, because they are so intimately associated with the various problems relating to the health and chances of life of the community. So valuable has been the work done that we are now able to determine with some precision the causes and limits of mortality, and, by the study and analysis of the collection of facts known as vital statistics, to apply them as tests of the health of the communities to which they refer.

"The chief vital statistics, bearing upon public health, relate in detail to past and present facts concerning populations, age and sex distribution, births, marriages, deaths, diseases, duration of the hours of occupation, and general social conditions, such as the health of each class of the community as judged by the expectation of life at given ages. Statistics of sickness, apart from mortality, have as yet not been attempted, chiefly on account of the difficulty of collecting the data with accuracy.

While modern public health administration owes so much, and in fact is indebted for its very existence, to the registration of vital statistics, the effectiveness with which vital statistics are collected may depend largely upon the appreciation by the medical profession and by the people of the sanitary uses to which such facts are applied, and consequently it has been found, especially in the United States, that the chief motive leading to the establishment and enforcement of adequate registration laws has been their usefulness as an agency of public health.

It may be asserted without question, therefore, that any action taken by Congress which shall add to the authority or strengthen the hands of the national public health service, either by its establishment as an independent department of public health or by aiding the work of the present Bureau of Public Health and Marine-Hospital Service, will contribute greatly to the movement for adequate vital statistics for the United States.

The United States almost alone among civilized nations labors under the reproach that it does not register the vital events of all its people. Since the organization of the Bureau of the Census upon a permanent basis one of the chief features of its activity in the Division of Vital Statistics has been to promote the adoption and enforcement by the States of adequate registration laws for births and deaths. At the present time a little over one-half of the aggregate population of the United States (55.2 per cent) is included under the operation of state laws or municipal ordinances which afford substantially complete returns of deaths. A collection of births based upon registration records was made for the first time for the calendar year 1908, and is now in course of compilation. It is not yet determined just how many States will appear to have had reasonably accurate registration of births, but it is certain that a much less proportion of the population of the United States enjoys fairly complete birth registration than that in which the registration of deaths is nearly complete. Besides the States in which the registration laws have been fully successful, several other States have adopted laws based upon the model bill recommended by the Bureau of the Census, the American Public Health Association, and the American Medical Association, and it is probable that some additions may be made to the registration area for deaths at no distant date. Much active interest exists among the State authorities, and especially among those of the South, in which there is as yet no complete State registration of vital statistics.

Besides the extension of registration by promoting the adoption and enforcement of adequate state laws, the Bureau of the Census has been active in securing greater uniformity of registration returns and standardization of results, so that the statistical data would be more valuable for sanitary purposes. An important measure was the adoption of the standard certificate of death, a blank which, to a very large extent, has taken the place of many different forms heretofore in use, and as a result of whose use the original returns made to the local registrars, and especially the statements of cause of death and occupation, are given with greater precision and upon a comparable basis. Another important step, whose success has been due largely to the early action of the Bureau of the Census, was the adoption of a uniform statistical classification of causes of death, known as the international classification. The state and municipal sanitary

authorities and registration officials of the United States have formed a national organization (American Public Health Association—Section on Vital Statistics) and have cooperated heartily with the Bureau of the Census in these and other measures leading to the improvement of the national vital statistics.

It should be remembered, however, that all that has been accomplished in this direction has been by the voluntary cooperation of the registration States and independent registration cities. So far no authority has been found under the Constitution whereby the Government of the United States can collect directly the records of births and deaths within the States by the only method which will assure accurate and complete statistics, namely, that of immediate registration. As an intrastate function of government this work is entirely subject to individual state action. As vital and indispensable as such records will be to the proposed national department of public health, it would be found, should a bureau of vital statistics be organized in such department, that the same difficulties would be met, some of them apparently insuperable ones up to the present time, that now prevent the effective registration of vital statistics in many States. The position of the Government may be expressed by the following resolution by Congress, approved February 11, 1903:

“RESOLUTION BY CONGRESS—JOINT RESOLUTION REQUESTING STATE AUTHORITIES TO COOPERATE WITH CENSUS OFFICE IN SECURING A UNIFORM SYSTEM OF BIRTH AND DEATH REGISTRATION.

“Whereas the registration of births and deaths at the time of their occurrence furnishes official record information of much value to individuals; and

“Whereas the registration of deaths, with information upon certain points, is essential to the progress of medical and sanitary science in preventing and restricting disease and in devising and applying remedial agencies; and

“Whereas all of the principal countries of the civilized world recognize the necessity for such registration and enforce the same by general laws; and

“Whereas registration in the United States is now confined to a few States, as a whole, and the larger cities, under local laws and ordinances which differ widely in their requirements; and

“Whereas it is most important that registration should be conducted under laws that will insure a practical uniformity in the character and amount of information available from the records; and

“Whereas the American Public Health Association and the United States Census Office are now cooperating in an effort to extend the benefits of registration and to promote its efficiency by indicating the essential requirements of legislative enactments designed to secure the proper registration of all deaths and births and the collection of accurate vital statistics, to be presented to the attention of the legislative authorities in nonregistration States, with the suggestion that such legislation be adopted: Now, therefore,

“*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Senate and House of Representatives of the United States hereby expresses approval of this movement and requests the favorable consideration and action to the State authorities, to the end that the United States may attain a complete and uniform system of registration.

“Approved February 11, 1903.”

Senator CRAWFORD. This is undoubtedly a source of information that the department of health will regard as of very great consequence to it, but I do not see why it is not a great deal better for the Bureau of the Census to go on collecting it for them, if we create the department, than to dump all that work over into the new department.

Senator SMOOT. We have that whole organization to do it now.

Mr. WILBUR. We have the organization to do it with at this time; yes, sir.

Senator CRAWFORD. I think you had better go on doing it.

The CHAIRMAN. Senator Owen has handed me some papers—extracts from official documents. I will hand them to the stenographer in order that they may be incorporated in the record.



The committee will meet at 8 o'clock this evening to hear those who are protesting against any legislation for the further development of the health service of the National Government.

(Thereupon, at 11 o'clock and 45 minutes, the committee took a recess until 8 p. m., Thursday, May 19, 1910.)

(The papers directed by the chairman to be made a part of the record are as follows:)

GOVERNORS URGE FEDERAL ACTION IN LETTERS TO THE COMMITTEE OF ONE HUNDRED  
ON NATIONAL HEALTH.

EXECUTIVE MANSION,  
*Jackson, Miss., September 5, 1908.*

Your letter in relation to the work of the committee of one hundred, was received. I attended the governor's conference at Washington last May. There it received cordial and undivided support. I also attended the Democratic national convention and was a member of the subcommittee on resolutions which submitted the report covering the question of federal aid to matters touching national health. The sentiment in its favor led to its unanimous adoption.

There are but few States, if any, which would be more benefited by federal cooperation than ours. We have the Mississippi River and the Gulf and their quarantine problems. A majority of our population are negroes who were freed by the Federal Government and to whose benefit the Federal Government could direct some of its means and activities in the way of improvement of their health conditions. The Federal Government, in cooperation with the state government without displacing the authorities of the state government could be of very great help to our people and health matters. I shall be glad to give this sort of federal activity my active cooperation.

Very truly, yours,

E. F. NOEL, *Governor.*

COMMONWEALTH OF PENNSYLVANIA,  
EXECUTIVE CHAMBER,  
*Harrisburg, September 3, 1908.*

In reply to your favor relative to federal health control, I beg leave to say that in my mind there can be no doubt but that well-organized health work is of material benefit to the country at large, and strengthens the sanitary work done by the separate States and municipalities throughout the Union.

The next session of Congress might well give careful consideration to the question of how to bring about the most effective federal supervision over the public health, how best to conserve and put to most advantage the energies that the Government is exerting along this line.

Any work that your committee of one hundred is doing with such object in view commands my cordial support,

I have the honor to be,

Very truly, yours,

EDW. S. STUART.

LANSING, MICH., *September 11, 1908.*

I have the honor to acknowledge receipt of your esteemed favor of August 15, with inclosures.

In reply to your inquiry I will state that I am in thorough accord with the work sought to be accomplished by the committee of one hundred. Our own State is making commendable progress regarding the treatment of tuberculosis and has established at Howell, in this State, a modern, well-equipped sanatorium for the treatment of incipient tuberculosis.

Should you desire detailed information regarding the work sought to be accomplished at the sanatorium, I would respectfully refer you to Dr. R. L. Kennedy, the superintendent. Our state authorities will be pleased to cooperate at any time with the national authorities in work along the line of public health.

Very respectfully, yours,

FRED M. WARNER, *Governor.*

COMMONWEALTH OF UTAH,  
EXECUTIVE CHAMBER,  
*Salt Lake, September 11, 1908.*

I am in receipt of your communication relative to the work being done and that proposed to be done, by the committee of one hundred of the American Association for the Advancement of Science, in behalf of the national health. You ask for my views as to the desirability of legislation promotive of your aim.

It affords me pleasure to give to your work my hearty and unqualified approval. There is no more important subject now claiming attention than the preservation of health. As to the organization of a health department under the control of the Federal Government, I think there could be no valid objection, and it would be, in my opinion, one of the most beneficial actions that could possibly be taken by the Government. I assure you of my entire sympathy with the movement.

Yours, very truly,

JOHN C. CUTLER, *Governor of Utah.*

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STATE OF OHIO, EXECUTIVE DEPARTMENT,  
OFFICE OF THE GOVERNOR,  
*Columbus, September 1, 1908.*

In reply to your recent inquiry, I beg to assure you of my hearty sympathy with any practical movement for the betterment of sanitary conditions and the improvement of the public health. This means an increase of human happiness, because, after all, happiness is largely dependent on health.

Ohio is awake to the necessity of preventing the pollution of our rivers and the cooperation of your committee will be highly helpful in securing further results through the assistance of the Federal Government.

With best wishes,

Very truly, yours,

ANDREW L. HARRIS.

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THE STATE OF WYOMING,  
EXECUTIVE DEPARTMENT,  
*Cheyenne, September 8, 1908.*

A federal department of health for research and general education would be of great benefit, especially to the newer States, which do not have the equipment and financial resources possessed by the older States.

The committee of one hundred can be assured of my heartiest support.

Very truly, yours,

B. B. BROOKS, *Governor.*

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EXECUTIVE CHAMBER,  
*Honolulu, Hawaii, September 19, 1908.*

The people of Hawaii, composed as they are of many races, and situated as they are at the crossroads of the Pacific, are in a position to realize with peculiar force not only the great importance of the subject of health, but also the importance of the cooperation between the national and state and territorial governments in this matter. Health matters have been such as to call for unusual attention on the part of the local authorities in Hawaii, and, this being the health as well as the military and naval outpost of the United States on the Pacific, these matters have likewise commanded unusual attention from the Federal Government. The health authorities of both governments are cooperating in a most helpful manner. This should be the case throughout the United States. I wish the committee of one hundred every success.

Very truly, yours,

W. F. FREAR,  
*Governor of Hawaii.*

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STATE OF OREGON, EXECUTIVE DEPARTMENT,  
*Salem, September 22, 1908.*

I beg to own the receipt of your favor of a recent date concerning a federal department of health. I believe that the West would gladly welcome such a department, and I am certain if established it would be of great benefit to the whole nation whether considered from the view point of expense, research, education, or adequate regulation.

I have the honor to remain,

Yours, very respectfully,

GEO. E. CHAMBERLAIN.

TERRITORY OF NEW MEXICO,  
OFFICE OF THE EXECUTIVE,  
*Santa Fe, September 26, 1908.*

I very heartily indorse your national-health propaganda, and trust your associataion may be able to extend its laudable influence throughout the length and breadth of our land.

New Mexico, on account of its dry climate, receives annually thousands of people suffering from tuberculosis, and a system of education which tends to enlighten the public on the subject of preserving and recovering health is important and necessary in every community in our Territory.

The Army and the Navy of the United States have each established splendidly equipped sanitariums in New Mexico for the treatment of tuberculosis, and many private institutions of this character are maintained in the Territory. We have good health laws, and our territorial medical board will, I am certain, be glad to cooperate with you and receive with appreciation any suggestions you may offer relative to health legislation in New Mexico.

Wishing you every success, I am, sir,

Respectfully, yours,

GEORGE CURRY,  
*Governor of New Mexico.*

STATE OF WEST VIRGINIA, GOVERNOR'S OFFICES,  
*Charleston, October 3, 1908.*

I most heartily indorse the work and programme of your National Health Association. It seems to me that the necessity of a federal department of health is beyond argument. Such a department should be established and liberally supported, and should act in conjunction with the departments of health of the several States. The health of the people is of such great importance that it should require little effort to have Congress take the necessary action.

Very truly, yours,

WM. M. O. DAWSON, *Governor.*

STATE OF CONNECTICUT,  
EXECUTIVE DEPARTMENT,  
*Hartford, June 29, 1908.*

I am glad to have this opportunity to indorse the work of the committee of one hundred on national health. The capital value of labor having been estimated to be five times as great as the capital value of all the other physical resources of the country added together, it is evident that the efficiency of our people is of supreme importance.

Health being the basis of efficiency, I consider the question of public health the most important one which our country has before it, and hope to see special legislation enacted for the betterment of public health.

Very sincerely, yours,

ROLLIN S. WOODRUFF.

COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT,  
*Boston, July 29, 1908.*

President Roosevelt in his Provincetown speech said: "I also hope that there will be legislation increasing the power of the National Government to deal with certain matters concerning the health of our people everywhere. The federal authorities, for instance, should join with all the state authorities in warring against the dreadful scourge of tuberculosis. Your own state government here in Massachusetts deserves high praise for the action it has taken in these public-health matters during the last few years. And in this, as in some other matters, I hope to see the National Government stand abreast of the foremost state governments. You, Governor Guild, stand abreast with the foremost state governments in this matter, and we can afford to sit at the feet of the Massachusetts Gamaliel more than one hour."

It was a great privilege to have been permitted to sign the bill by which Massachusetts assumes the care of those suffering from this terrible disease, and to have succeeded in other sanitary and medical reforms. I also hope that the time is not far distant when it will not be necessary for this Commonwealth to send the agents of its board of health into other States to see that dairies and cow barns from which milk is shipped



into Massachusetts are subject to sanitary regulations in harmony with the laws of this Commonwealth for the prevention of the spread of this scourge of tuberculosis.

With every good wish for your success and the hope that perhaps Massachusetts may later be recognized by your society for work that has been done and is being done here in this regard, believe me,

Very cordially, yours,

CURTIS GUILD, Jr.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION,  
EXECUTIVE DEPARTMENT,  
Providence, August 5, 1908.

The work of the committee of one hundred on national health has my hearty indorsement. Our State has already erected a sanatorium for the treatment of tuberculosis and is doing everything possible to mitigate within Rhode Island the horrors of this disease. I believe that the work which the various States are doing could be supplemented by the Federal Government to very great advantage, and that the United States could, in no other way, perform a more humane and useful work.

Very truly, yours,

JAMES H. HIGGINS,  
Governor of Rhode Island.

CHIEF EXECUTIVE DEPARTMENT,  
Montgomery, Ala., September 8, 1908.

Replying to your recent letter, I think that a department of health at Washington, properly organized, would do much toward equalizing justly some of the burdens connected with the public health—burdens which now often bear down unjustly on one State, or on a group of States. Such matters as the pollution of rivers and the quarantine are of the greatest interest to the entire country, and I think the committee of one hundred is greatly to be commended in its efforts to direct federal attention to these and kindred problems.

With regards,

Yours, very truly,

B. B. COMER, Governor.

*Republican platform, 1908.*—Health plank: "We commend the efforts designed to secure greater efficiency in national public health agencies and favor such legislation as will effect this purpose."

*Democratic platform, 1908.*—Health plank: "We advocate the organization of all existing national public health agencies into a national bureau of public health, with such power over sanitary conditions connected with factories, mines, tenements, child labor, and other such subjects as are properly within the jurisdiction of the Federal Government and do not interfere with the power of the States controlling public health agencies."

Independence League party (1908) adopted a broader plank in favor of a national department of health.

*Ohio state legislature.*—A resolution was passed by the state legislature of the State of Ohio. The resolution consists of nine paragraphs and is one of the strongest indorsements of the work of the committee of one hundred which has yet been made. The most important paragraphs are as follows:

"Whereas the United States Government, in ways impossible for the State and municipality, may gather information and conduct research work to determine the causes of disease and the best measures for their prevention, and by cooperation with state and local authorities may promote the health of all the people:

"Be it resolved by the general assembly of the State of Ohio, That the Congress of the United States be, and it is hereby, memorialized and urged to create and establish a national bureau of health and endow it with power and funds commensurate with the highly important duties with which it will necessarily be intrusted."

*Republican platform, State of Ohio, 1908.*—"The organization of all existing national public health agencies into a single national health department."

*Democratic state convention, Connecticut, 1908.*—"The committee on resolutions considered favorably a plank indorsing the movement for a national organization of health."

*Republican platform, Delaware, 1908.*—"We favor that a national organization of public health be created for the protection of human life."

[Extract from President Taft's message.]

*Bureau of health.*—For a very considerable period a movement has been gathering strength, especially among the members of the medical profession, in favor of a concentration of the instruments of the National Government which have to do with the promotion of public health. In the nature of things, the medical department of the army and the medical department of the navy must be kept separate. But there seems to be no reason why all the other bureaus and offices in the General Government which have to do with the public health or subjects akin thereto should not be untied in a bureau to be called the "bureau of public health." This would necessitate the transfer of the Marine-Hospital Service to such a bureau. I am aware that there is a wide field in respect to the public health committed to the States in which the Federal Government can not exercise jurisdiction, but we have seen in the Agricultural Department the expansion into widest usefulness of a department giving attention to agriculture when that subject is plainly one over which the States properly exercise direct jurisdiction. The opportunities offered for useful research and the spread of useful information in regard to the cultivation of the soil and the breeding of stock and the solution of many of the intricate problems in progressive agriculture have demonstrated the wisdom of establishing that department. Similar reasons, of equal force, can be given for the establishment of a bureau of health that shall not only exercise the police jurisdiction of the Federal Government respecting quarantine, but which shall also afford an opportunity for investigation and research by competent experts into questions of health affecting the whole country, or important sections thereof, questions which, in the absence of federal governmental work, are not likely to be promptly solved.

WAR DEPARTMENT, June 1, 1908.

Prof. IRVING FISHER,

*President Committee of One Hundred, New Haven, Conn.*

MY DEAR PROFESSOR FISHER: Your letter asking for an expression of opinion on the health movement has just come to hand. I can only repeat the expression of interest in your work which I made a year ago at the time I took you to see President Roosevelt in regard to this matter. The American Health League is certainly to be congratulated on its rapid progress in numbers and recognition. It is through such an enlistment of public interest that Congress may be expected to enact the legislation necessary to enlarge the activities of the Federal Government in respect to public health.

I hope to live to see the time when the increased efficiency in the public-health service—federal, state, and municipal—will show itself in a greatly reduced death rate. The Federal Government can give a powerful impulse to this end by creating a model public-health service and making our national capital a model sanitary city.

With most cordial wishes for the success of your movement, I am,

Very sincerely, yours,

WM. H. TAFT.

*President Roosevelt's message, 1908.*—"The first legislative step to be taken is that for the concentration of the proper bureaus into one of the existing departments. I therefore urgently recommend the passage of a bill which shall authorize a redistribution of the bureaus which shall best accomplish this end."

Hon. Grover Cleveland, writing of the committee of one hundred: "I am in complete sympathy with the aims and purposes of this organization."

Wm. J. Bryan, from letter of June 17, 1908: "I shall be pleased to see such a plank as you suggest in the platform."

William J. Bryan (remarks at the governors' conference): "Congress should appropriate sufficient money to carry on investigations into diseases national in their scope."

*Joint report of committee on resolutions and committee of one hundred.*—Your committee, to which was referred the question of the establishment of a department of health under the National Government, begs leave to report as follows:

Having considered this matter with much care, we believe that in the interest of efficiency, economy, and of the general promotion of the interests of the people of the nation, all agencies of the Government engaged in work relative to the public health should be segregated in one general bureau or subdivision of one of the present departments, and that in the meantime all said federal agencies should be required to coordinate in efforts for the benefit of the public-health measures, and to this end we recommend that a committee of this body be appointed to confer and cooperate with other organizations seeking to secure such necessary legislation.

[American Association for the Advancement of Science.]

Whereas the American Association for the Advancement of Science has appointed a committee of 100 on national health, and this committee is performing a work of great importance for the welfare of the nation: Therefore be it

*Resolved*, That all members of this association are urged to cooperate with the committee in its efforts to conserve and improve the health of the people, and especially in its plans to increase the efficiency of the National Government in dealing with the problems of public health.

[American Public Health Association. 1906.]

Whereas the American Public Health Association is of the opinion, and has so expressed itself, that public health matters confronting the four countries embraced in this association can only be adequately administered by extending the powers and duties of their several chief executive and administrative health officers; and,

Whereas this association believes that such questions can only be satisfactorily dealt with by the establishment of a national department of health with a cabinet minister at its head in each country: Therefore be it

*Resolved*, That this association, with a view to prosecute so desirable an end, create a committee consisting of three members from each of the four countries represented in the association, and to be nominated by the President, the first-named member for each country to be the chairman of that subcommittee, and the chairman of the subcommittee of the United States to be its general chairman. This committee shall formulate what, in the opinion of the association, should be the extent of the work, powers, and duties of a national department of health, and the subcommittee of any of the four countries shall take any steps deemed practicable by it to carry out the purpose of this resolution, and to this end is empowered to enlarge its committee as it may deem proper.

Committee appointed: For the United States, Dr. John S. Fulton, Dr. Samues H. Durgin, and Dr. C. A. Harper. For Canada—Dr. Peter H. Bryce, Dr. Frederick Montizambert, and Dr. Robert W. Simpson. For Mexico—Dr. Eduardo Liceage, Dr. Jesus Monjaras, and Dr. Jose Mesa. For Cuba—Dr. Juan Guiteras, Dr. Carlos Juan Finlay, and Dr. Aristides Agramonte.

#### LABOR.

[United Mine Workers of America.]

Whereas the committee of one hundred on national health, which is composed of men and women having an interest in and working in various ways for social and economic betterment, has for its object "To advocate a national bureau of health; to carry on an educational campaign for the spreading of accurate knowledge concerning the public health; to protect the public health by assisting the constituted authorities in the enforcement of existing law and by urging the enactment of uniform legislation in all the States on matters pertaining thereto, and to cooperate with other societies interested in any public-health problem; and

Whereas one of the fundamental principles of the United Mine Workers of America is "To secure the introduction of any and all well-defined and established appliances for the preservation of life, health, and limb of all mine employees," and another is by legislation looking to the most perfect system of mine ventilation, drainage, etc., to reduce to the lowest possible minimum the catastrophes which from time to time sweep through the mines; and

Whereas it is a well-known fact that, as many accidents in the mines are due to preventable causes, so disease is due largely to ignorance of the laws of health or to negligence in their observance; therefore be it

*Resolved*, That the United Mine Workers of America in nineteenth annual convention assembled, indorse the principles and the work of the committee of one hundred on national health and urge all members of our union to cooperate in every way possible with the committee of one hundred to bring about the objects which it is formed to promote.

[American Federation of Labor.]

Whereas legislation for the improvement of public health is legislation directly for the benefit of the members of organized labor, and even more for the benefit of the families of the members of the American Federation of Labor;

*Resolved*, That the American Federation of Labor shall cooperate in supporting the legislative programme of the committee of one hundred on national health, and



further include the legislative programme of the committee of one hundred on national health in the legislative programme of the association; and be it further

*Resolved*, That a special committee be appointed to cooperate in securing such legislation at Washington.

#### GRANGES.

[National Grange and New York Grange.]

Whereas the worthy national master in his annual address devoted a special section to the preservation of national health and recommended that "the proposition for a national health bureau be approved," so that the national "legislative committee can take action to aid in securing the adoption of the necessary legislation;" and

Whereas the National Grange, in response to this recommendation, after full and careful consideration by the resolutions committee, unanimously adopted the following resolution:

*Resolved*, That the National Grange favors the establishment of a national health bureau or commission and urges upon Congress the necessity for the immediate enactment of legislation for this purpose.

*Resolved*, That we heartily indorse the work of the committee of one hundred on national health: Therefore, be it

*Resolved*, By the New York State Grange in thirty-seventh annual session assembled, that this action of the National Grange is hereby heartily indorsed and that our worthy master and executive committee are instructed to assist in all possible ways to make the purpose of these resolutions effective; and be it

*Resolved*, further, That all Pomona and subordinate granges are urged to bring their influence to bear directly upon their Congressmen and our United States Senators by resolutions, letters, and otherwise to secure prompt action; and be it

*Resolved*, further, That copies of these resolutions duly signed and sealed be sent to the United States Senators and Congressmen of this State as notice of the wishes of the Patrons of Husbandry of the Empire State in this vitally important matter.

Whereas the preservation of the national health is a matter of the utmost importance to all the farmers of the country, and

Whereas it is proposed to establish a national health bureau, or commission, which will assume the functions of the various bureaus of the Federal Government having charge of this subject, and form a practical working organization, which will cooperate with the States in all matters relating to the public health, and

Whereas this proposition has been indorsed by both political parties in their national platforms, and by the President of the United States: Therefore, be it

*Resolved*, That the National Grange favors the establishment of a national health bureau, or commission, and urges upon Congress the necessity for the immediate enactment of legislation for this purpose.

[Register and Leader, Des Moines, November, 1909.]

Whereas the preservation of the national health is a matter of the utmost importance to all the farmers of the country, and

Whereas it is proposed to establish a national health bureau, or commission, which will assume the function of the various bureaus of the Federal Government having charge of this subject, and form a practical working organization, which will cooperate with the State in all matters relating to the public health, and

Whereas this proposition has been indorsed by both political parties in their conventions and by the President of the United States: Therefore, be it

*Resolved*, That the National Grange favors the establishment of a national health bureau, or commission, and urges upon Congress the necessity for the immediate enactment of legislation for this purpose;

*Resolved*, We heartily indorse the work of the committee of 100 on national health.

[Varysburg, N. Y., May, 1910.]

Letter states: "The members of Varysburg Grange No. 1046 have taken action on the resolutions drawn up by the National Grange on a United States department of health."

[Cambridge Associated Charities, May, 1910.]

Vote adopted unanimously: "That in the opinion of the board it is of the utmost importance that the varied activities of the National Government having to do with human health should be coordinated and consolidated, and that to this end there

should be established, in accordance with the provisions of the Owen bill (S. 6049), a federal department of health under a secretary of health who shall be a member of the Cabinet."

[Farmers' Educational and Cooperative Union of America and the American Society of Equity.]

Whereas the preservation of the national health is a matter of the utmost importance to all the farmers of the country; and

Whereas it is proposed to establish a national department of health which will assume the functions of the various bureaus of the Federal Government having charge of this subject and form a practical working organization which will cooperate with the States in all matters relating to the public health: Therefore

*Resolved*, That the Farmers' Educational and Cooperative Union of America, and the American Society of Equity, in joint convention assembled, favor the establishment of a national department of health and urge upon Congress the immediate enactment of legislation for this purpose.

*Medical Society of State of New York, January, 1907.*—At the meeting of the house of delegates of the Medical Society of the State of New York held in Albany, January 28, 1907, the following resolution was passed:

"That the Medical Society of the State of New York indorses the formation of a national department of public health and pledges its influence to carry into effect such a plan as the committee of one hundred appointed by the American Society for the Advancement of Science may formulate."

*American Medical Association, June, 1907.*—The house of delegates of the American Medical Association on report of reference committee on legislation and political action adopted the following expression:

"In the matter of the creation of a department or bureau of public health, your reference committee recommends the adoption of the suggestion of the committee on legislation, namely, that the question of the details of the organization, powers, and status, of the national public health agency be left to the committee of one hundred, to which it pledges its confidence and support."

[American Academy of Medicine, July, 1907.]

Whereas the American Association for the Advancement of Science has appointed a "committee of one hundred" to consider the best method of increasing the activity of the National Government in its efforts to protect public health and

Whereas said committee is engaged in an active campaign for this purpose: Be it

*Resolved*, That the American Academy of Medicine heartily indorses the work of the committee of one hundred and pledges its support in attempting to secure such legislation as the committee may find best adapted to this end.

[American Association of Medical Milk Commissions, August, 1907.]

Whereas, the work of the committee of one hundred of the American Association for the Advancement of the Sciences in regard to the establishment of government control over the public health, is deserving of earnest support; Therefore, be it

*Resolved*, That the Association of Medical Milk Commissions heartily indorse the work of this committee of one hundred and pledge to it their undivided cooperation.

[State Medical Society of Wisconsin, June, 1908.]

Whereas, we believe the matter of the maintenance and control of public health is one of the very most important subjects which can engage the attention of our Government and one which concerns most intimately the future welfare and happiness of our people: Therefore be it

*Resolved*, that the State Medical Society of Wisconsin desires to put itself on record as heartily indorsing the efforts of the committee of one hundred on national health in their efforts to secure a national department of health, and we urge appropriate legislation to this end.

[Medical Society of the Missouri Valley.]

Whereas, the President of these United States has recognized the importance of more adequate protection of the public health and a better organization of the medical department, as advocated for years by the American Medical Association, and

Whereas, He has called for an expression from organized bodies as to the wisdom of creating a new department, or attaching another branch to one of the departments already in existence; therefore, be it

*Resolved*, That the members of the Medical Society of the Missouri Valley desire to go on record as favoring an entirely new and distinct department of health, as a separate department of the Federal Government; and be it further

*Resolved*, That it is essential that this department shall be in charge of a capable medical man, who shall be a member of the President's Cabinet and of equal rank with other members of the official portfolio; be it further

*Resolved*, That these resolutions be printed in the daily papers and in the medical press, and copies sent to the President, to Prof. Irving Fisher, and to the members of the scientific committee appointed for the purpose of investigating this question; be it further

*Resolved*, That we, as members of the Medical Society of the Missouri Valley, assist in the promotion of this cause by having similar resolutions adopted by our local boards of trade and commercial clubs in our respective cities.

*Resolved*, That it is the sense of the house of delegates of the American Medical Association that the time has arrived when a department of public health ought to be established by the National Government, and to this end we ask the different political parties to make formal declaration in their respective national platforms soon to be submitted to the people.

[Northwestern University Medical School Alumni, approved and recommended to be adopted and presented to the house of delegates of the American Medical Association, June, 1908.]

Whereas the campaign for a national department of public health so long conducted by this association and the sanitarians of this country is now so actively supported by the committee of one hundred of the Association for the Advancement of Science and by the departments of political economy of our great universities as to give new hope and inspiration to those interested in this movement; and

Whereas it is probable that the medical departments of the army, the navy, and the Public Health and Marine-Hospital Service, the pure-food bureau, the Bureau of Animal Industry, the Bureau of the Census, and the other bureaus and laboratories scattered through the various departments could be brought to cooperate in building up such a department so long demanded by the profession and sanitarians and so vital to the welfare of the nation: Therefore be it

*Resolved*, That the committee on medical legislation be requested to arrange for such conference with the committee of one hundred, the surgeons-general of the army, the navy, and the Public Health and Marine-Hospital Service, the bureaus above named, and others or their representatives, jointly or severally, that may be deemed best, with a view of attempting to secure such a coordination and a cooperation of all these forces as will further the creation of such a department.

#### MISCELLANEOUS.

*American Society of Biological Chemists and American Physiological Society.*—This society approves of the movement represented by the committee of one hundred of the American Association for the Advancement of Science to increase and coordinate the present activities of the Federal Government in matters pertaining to public health.

This society therefore urges upon the President of the United States and Members of Congress the favorable consideration of such legislative measures as are best adapted to secure this result.

*Paper read before National Dental Association, July, 1907.*—I believe that this society should officially cooperate with the committee of one hundred, of which Prof. Irving Fisher, of Yale University, is the president, and lend it every assistance within its power in its efforts to establish at Washington a federal department of health. This projected organization has already had the approval of the American Medical Association and of the American Public Health Association. It should also have the officers' approval of this society, and representations should be made to it of the important relation which oral hygiene bears to the national health.

[American Gastro-Enterological Association, July, 1907.]

*Resolved*, That the American Gastro-Enterological Association hereby expresses its hearty indorsement of the efforts of the committee of one hundred of the American Association for the Advancement of Science to bring about an increase in the activities of the National Government tending to improve public health.



[American Surgical Association, May, 1907.]

Whereas the members of the American Surgical Association are aware that a strong movement for the national control of public health is now on foot and has recently received the indorsement of a number of scientific bodies, including the committee of one hundred of the American Association for the Advancement of Science: Therefore be it

*Resolved*, That this association is in hearty sympathy with such a movement and will gladly support it by all proper means.

*American Association for Study and Prevention of Infant Mortality, April, 1910.*—Doctor Knox reported having received a letter from Dr. C. Morton Howell, of Dayton, Ohio, one of the directors of the association, requesting the executive committee to indorse Senator Owen's bill for the creation of a federal department of public health. In response to the suggestion Doctor Knox was authorized to write a letter to Senator Owen indorsing the measure. It was further decided to inform the directors of the association of the action taken by the executive committee and to suggest that each write a letter to the Senators and Congressman from his own congressional district advocating favorable action on the bill.

[American Ophthalmological Society, May 8, 1907.]

*Resolved*, That the society heartily indorses the movement for the establishment of a national control of public health which is being advocated by the committee of the American Association for the Advancement of Science and by the American Medical Association and other scientific societies.

[American Climatological Association, June, 1907.]

Whereas it has come to the knowledge of the members of the American Climatological Association that the movement for the national control and regulation of the public health in the United States is being actively pushed by the committee of one hundred of the American Association for the Advancement of Science as well as by the American Medical Association and other scientific bodies:

*Be it resolved*, That this association heartily indorses such a movement and desires to place on record its sincere sympathy with it.

[American Association of Pathologists and Bacteriologists, May 9, 1907.]

Resolution: The American Association of Pathologists and Bacteriologists wish to record their sympathy with the agitation in favor of a national body having control of the public health, and respectfully urge the President and Congress to take the matter under consideration for speedy action.

Letter from American Orthopedic Association, June 7, 1908, says: "I take pleasure in informing you that the American Orthopedic Association has learned that the movement for the national control of public health has recently been indorsed by the committee of one hundred of the American Association for the Advancement of Science and desires to put itself on record as in hearty accord with such propaganda."

[American Gynecological Society, May, 1907.]

Whereas the committee of one hundred of the American Association for the Advancement of Science has taken an active part in the movement now for some years advocated by the American Medical Association and other scientific bodies in this country looking toward the establishment of national control over all matters relating to public health: Therefore, be it

*Resolved*, That the American Gynecological Society heartily indorses this movement and desires to put itself on record to that effect.

*Consumers' League.*—Realizing that the work undertaken by the committee of one hundred on national health is of inestimable importance to the nation and necessary to the successful accomplishment of every other endeavor for the improving of our citizenship, the Consumers' League of Oregon heartily indorses this noble enterprise and urges its members to do all in their power to further it.

[American Urological Association, June, 1907.]

Whereas the movement for the establishment of national control of public health has recently received a notable accession by the appointment of the committee of one hundred by the American Association for the Advancement of Science: Therefore, be it

*Resolved*, That the American Urological Association desires to put itself on record as heartily indorsing the work of the committee of one hundred and in urging upon Congress effective legislation in this important matter.

*National Dental Association.*—Letter to Norton: "I received your letter regarding the organization of the committee of one hundred and the proposal of my name by Prof. Irving Foshier to represent Dorchester, Mass., in the American Health League. I accept the honor gladly, and will do all in my power to aid in the noble efforts which are being made by the committee of one hundred. At the last annual meeting of the National Dental Association, held in Minneapolis, Minn., a resolution recommending the work of your committee was introduced by me; it received the sanction of the executive council and was adopted unanimously by the association. An order was also passed that a committee on a national department of health be appointed to assist the committee of one hundred. I was honored by being made chairman of said committee, and hold myself in readiness at all times to do my share in this great humanitarian project."

By Charles O. Probst, M. D., secretary of the Ohio state board of health, and of the American Public Health Association: "Let us demand a national health organization, worthy of this great and free country, and let us unite upon a general plan. This is no new question. Since the life was sucked out of the old national board of health thirty years ago, we have been besieging Congress to give us a department of health.

"What we want is a competent national health officer, with assistants, power, and money. It will be our own fault if we do not obtain all these."

From Charlotte Perkins Gilman: "The committee of one hundred of the American Association for the Advancement of Science is doing great work at present to arouse public interest in this question and to promote national legislation thereupon. The city can do much and the state can do much, but when one State gets its typhoid supply from another, or sends its consumptives to another, we need a broader authority for regulation (of health matters).

"When we realize that if the average life span of our population could be raised from forty to forty-five years the economic gain to the country would be \$800,000,000 per annum it seems worth while to undertake definite measures to that end."

Extract from the Hon. William H. Taft's speech of acceptance: "I have long been of opinion that the various agencies of the National Government established for the preservation of the national health, scattered through several departments, should be rendered more efficient by uniting them in a bureau of the Government under a competent head, and that I understand to be, in effect, the recommendation of both parties."

From Ella Wheeler Wilcox: "The committee of one hundred has a large contract to fill. Every intelligent citizen ought to be interested in its work; but instead of trying to get Congress to pass laws about state boundaries and the like, it would be wise to begin at the common-sense foundation of teaching parents how to live and how to bring up healthy children."

From Hon. Andrew D. White: "I need hardly say that I am in entire sympathy with your movement."

From Dr. W. H. Welch: Prof. William H. Welch, in his presidential address before the American Association for the Advancement of Science, in December last said:

"It is an especial gratification to record the stimulating recognition of these relationships by the social and economic section of this association, in which was started, a year and a half ago, a movement for public health, particularly as related to the Federal Government, which has already assumed national significance."

#### THE PRESIDENT'S MESSAGE.

The friends of the health movement, and especially the members of the American Health League, are to be congratulated upon that part of President Roosevelt's message to Congress which deals with the readjustment of the governmental bureaus. We quote his words:

"*Public health.*—It is highly advisable that there should be intelligent action on the part of the nation on the question of preserving the health of the country. Through the practical extermination in San Francisco of disease-bearing rodents our country has thus far escaped the bubonic plague. This is but one of the many achievements of American health officers, and it shows what can be accomplished with a better organization than at present exists. The dangers to public health from food adulteration and from any other sources, such as the menace to the physical, mental, and moral development of children from child labor, should be met and overcome. There are numerous diseases which are now known to be preventable which are, nevertheless, not prevented. The recent International Congress on Tuberculosis has made us

painfully aware of the inadequacy of American public-health legislation. This nation can not afford to lag behind in the world-wide battle now being waged by all civilized people with the microscopic foes of mankind, nor ought we longer to ignore the reproach that this Government takes more pains to protect the lives of hogs and of cattle than of human beings. The first legislative step to be taken is that for the concentration of the proper bureaux into one of the existing departments. I therefore urgently recommend the passage of a bill which shall authorize a redistribution of the bureaux which shall best accomplish this end."

## THE VIEW OF SCIENTIFIC EXPERTS ON NATIONAL ORGANIZATION OF PUBLIC HEALTH.

[Committee of One Hundred on National Health No. 14.]

Dr. S. A. Knopf ends his concluding chapter on "Public measures in the prophylaxis of tuberculosis for the forthcoming American system of tuberculosis," in which among other contributors, are Welch, Osler, Biggs, Ravenel, and Baldwin, with these words:

"I close this contribution on public measures in the prophylaxis of tuberculosis with the fervent appeal to our governments to take steps which will bring us, in regard to the federal regulation of public health, at par with the leading governments of Europe. Germany has its ministry for medical affairs with a cabinet officer at the head and with the highest medical authorities connected with the imperial office of health (Reichsgesundheitsamt). France has its 'counseil superieur de sante,' equivalent in importance and power to the Reichsgesundheitsamt of Germany. Our Republic should have a similar office to guard the health of the nation. The committee of one hundred appointed by Section I of the American Association for the Advancement of Science, of which the writer has the honor to be a member, has been empowered to work for federal regulation of public health. The time for it seems to be ripe, and what the creation of such a bureau or system of bureaux of health would mean for the welfare of the people of this country in general, and particularly regarding the combating of tuberculosis, may best be realized by the following extract from an address delivered by President Roosevelt in Provincetown:

"I also hope that there will be legislation increasing the power of the National Government to deal with certain matters concerning the health of our people everywhere; the Federal authorities, for instance, should join with all the State authorities in warring against the dreadful scourge of tuberculosis. I hope to see the National Government stand abreast of the foremost state governments."

Theodore Roosevelt: "Our national health is physically our greatest national asset. To prevent any possible deterioration of the American stock should be a national ambition. We can not too strongly insist on the necessity of proper ideals for the family, for simple living, and for those habits and tastes which produce vigor and make men capable of strenuous service to their country. The preservation of national vigor should be a matter of patriotism. Federal activity in these matters has already developed greatly, until it now includes quarantine, meat inspection, pure-food administration, and federal investigation of the conditions of child labor. It is my own hope that these important activities may be still further developed."

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NEW YORK STATE DEPARTMENT OF HEALTH,  
*Albany, May 16, 1910.*

Mr. J. N. McCORMICK,  
*Washington, D. C.*

MY DEAR SIR: I regret very much that imperative official engagements render it impossible for me to be at your hearing on the 19th instant. I am very heartily in favor of the movement to establish a national department of health, and you may count on me to give all the aid possible.

I am, yours,

EUGENE H. PORTER.



COMMONWEALTH OF PENNSYLVANIA,  
DEPARTMENT OF PUBLIC HEALTH,  
*Harrisburg, May 16, 1910.*

Dr. J. N. McCORMACK,  
*Committee on Organization, A. M. A.,  
Congress Hall Hotel, Washington, D. C.*

MY DEAR DOCTOR McCORMACK: No one can be familiar with the absolute lack of uniformity in the sanitary laws of the several commonwealths composing these great United States without appreciating the necessity for federal law to protect the citizens of one State against the encroachments of those of another in many matters affecting health and life.

This could be accomplished in a perfectly legitimate and constitutional way by acts of Congress governing interstate transportation, the purity of interstate streams, and similar matters.

If the Federal Government does not consider the health of her people more important than that of our lower animals, how can it be expected that the legislatures of her respective States shall arise to the importance of the care of man, for whose use all other animals and things thus dignified by her exist?

Personally I am chagrined when abroad to acknowledge that the United States has never seen fit to establish a department of health with a head devoting all his time and talents to that important work and to nothing else.

The present bureau, with its intelligent head, is greatly handicapped for lack of initiative power, being liable, at the most critical moment, when the safety of the nation depends upon prompt, efficient, intelligent action, to be muzzled and handcuffed by the head of his department, a man without a medical education, appointed solely for financial and commercial abilities. If he were free to act of his own initiative, as he would be if dignified by being made a member of the Executive's Cabinet, such unfortunate crises could not again occur. That bureau has undoubtedly accomplished some good original work which has made it a great original factor in preventive medicine, but as long as the different health agencies are scattered around in the various departments whose primary purposes are each of an entirely different nature, the Government will never obtain the best results nor will her health measures be economically conducted.

Again, the Federal Government should place the national department of health on the highest possible level of efficiency as an example to the States.

When we consider that the American Army has always lost more lives from disease, mostly of a preventable character, than it has from bullets and bayonets, our intelligent people must realize what the preservation of health means in war.

Furthermore, if the manufacturers of our country are to be able to compete successfully with those of foreign nations our workman must maintain a high standard of vigor.

The time is fast coming when the riches of mother earth will be much reduced. Then, when the principal is largely used up, man must have been developed to a high degree of physical and mental capacity that he may by his personal labors produce enough for his support without drawing upon these great mineral deposits upon which he has been so extravagantly living.

The standard of efficiency of all the departments of our Federal Government depends upon the health of the individual men who compose them, which should be our very first instead of our very last consideration.

Believe me, dear Doctor,

Yours, very truly,

SAMUEL G. DIXON.

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#### AFTER RECESS.

The committee reassembled at the expiration of the recess.

Present: Senators Martin (chairman) and Smoot.

Senator Owen also appeared.

The CHAIRMAN. The committee is now ready to proceed with this hearing. If ex-Governor John L. Bates is now present we will be glad to hear from him. I will also say that those who are giving special attention to this hearing handed me a paper in which they allot time to those who wish to be heard, and I see from that paper that there is allotted forty minutes to Mr. Bates, so that if you can

keep your remarks within that limit we will be much obliged, and it will enable others to be heard who are present.

**STATEMENT OF EX-GOVERNOR JOHN L. BATES, REPRESENTING  
NATIONAL LEAGUE FOR MEDICAL FREEDOM.**

Mr. BATES. Mr. Chairman and gentlemen of the committee, I appreciate your courtesy and assure you that I will try to keep within the time, although it is possible I may so abbreviate my remarks as not to take the full amount allotted to me. I represent here to-night the organization known as the National League for Medical Freedom. This is a recently formed organization. Its president is B. O. Flower, editor and founder of the *Arena* and editor of the *Twentieth Century Magazine*, of Boston. Its vice-president is Hon. Charles W. Miller, ex-chairman of the Iowa Democratic state committee. Its secretary is A. P. Harsch, president of the Clinton-Close Company, of Toledo, Ohio, and upon its advisory board are, among others, the following: William D. Baldwin, president Otis Elevator Company, New York; Orison Swett Marden, editor *Success*, New York; Lewis Pinkerton Crutcher, M. D., faculty Hahnemann Homeopathic Medical College, Kansas City, Mo.; A. T. Still, M. D., founder Osteopathy, Kirksville, Mo.; William Ordway Partridge, sculptor, New York City; Charles M. Carr, editor *N. A. R. D. Notes*, official organ of the National Association Retail Druggists, Chicago, Ill.; Hon. John D. Johnson, Johnson, Rule & Allen, attorneys, St. Louis, Mo.; Dr. Orion K. Thompson, faculty Hering Homeopathic College, Chicago, Ill.; A. E. Stilwell, president K. C., M. and O. R. R., New York City; George P. Engelhard, editor *Medical Standard*, Chicago, Ill.; John Alexander Cooper, certified public accountant, Chicago, Ill.; Mrs. Diana Belais, president New York Anti-Vivisection Society, New York; Edwin C. Pickler, D. O., president American Osteopathic Association; Claude E. Laws, M. D., president Arkansas State Eclectic Board of Medical Examiners; Simon Nusbaum, National Bank of Commerce, New York City; Arthur Heurtley, secretary Northern Trust Company, Chicago, Ill.; Chester A. Tousley, president Tousley Varnish Company, Chicago, Ill.; Frank A. Spink, traffic manager Chicago and Western Indiana Railroad, Chicago, Ill.; Charles Huhn, president National Association Retail Druggists, Minneapolis, Minn.; Mrs. John A. Logan, Washington, D. C.; Mrs. George T. Oliver, Pittsburg, Pa.; Hon. Hobart M. Cable, jr., Cable Piano Company, Chicago, Ill.; John E. Carson, capitalist, Oklahoma City, Okla.; J. T. Holleman, president Union Savings Bank, Atlanta, Ga.; Hon. A. S. Mann, Jacksonville, Fla.; Benage S. Joslyn, president Portland Railway Light and Power Company, Portland, Oreg.; Hon. George Bingham, El Reno, Okla.; Sam T. Cochran, grand commander Knights Templar, Dallas, Tex.; Arthur N. McGeoch, capitalist, Milwaukee, Wis.; Hon. Charles Major, author, Shelbyville, Ind.; C. W. Snyder, president Topeka State Bank, Topeka, Kans.; Charles A. Bookwalter, ex-mayor, Indianapolis, Ind.; Judge Oliver C. McGelvra, Seattle, Wash.; Hon. W. B. Martin, executive, Des Moines, Iowa (secretary of state); Prof. E. L. Martin, Macon, Ga.; W. C. Lewis, banker, Tallahassee, Fla.; William S. Crowell, president First National Bank, Medford, Oreg.; Hon. B. M. Parmenter, Lawton, Okla.; and others.

Mr. CHAIRMAN. I have stated that this league is a recent organization. It has a membership numbered by the tens of thousands, and applications for membership are coming in literally by the thousands every day. It partakes of the nature of a spontaneous movement more, I believe, than any which has appeared in connection with this matter. Let me read just a few telegrams and letters, or extracts from them, received to-day. I shall not attempt to read but three or four. Here is one from Los Angeles, Cal.:

[Telegram.]

LOS ANGELES, CAL., May 17, 1910.

WILLARD S. MATTOX,  
406 Metropolitan Bank Building, Washington, D. C.:

Use following on advisory board: Hon. Thomas Early, mayor, Pasadena; Dr. A. P. Graves, D. D., 434 West Twentieth street, Los Angeles. Estimated membership of league here to date, 500. Have enlisted papers in our behalf. Strong influence being used here in favor of bill. No literature received yet; will use immediately. No newspaper notice of league has appeared. Will do anything to aid you in this work.

Here is one from Des Moines:

[Telegram.]

DES MOINES, IOWA, May 19, 1910.

JOHN M. READ,  
New Willard Hotel, Washington, D. C.:

More than 2,000 voters to date protest in name of Iowa Voters and Taxpayers' Association against passage of Senate bill. List is being rapidly swelled.

Here is one from Concord, N. H.:

[Telegram.]

CONCORD, N. H., May 18, 1910.

WILLARD S. MATTOX,  
406 Metropolitan Bank Building, Washington, D. C.:

Following persons on record against class medical legislation and permit use of names on advisory board national league for medical freedom: Ex-Governor Charles M. Floyd; Oliver E. Branch, attorney Boston and Maine Railroad; Col. Solon A. Carter, state treasurer; Hon. Ira E. Gray, member state legislature; Dr. John H. Worthen; Fremont E. Shurtleff, lawyer; others by mail to New York.

C. B. JAMIESON.

Here is one from the father of osteopathy:

[Telegram.]

KIRKSVILLE, MO., May 18.

B. O. FLOWER,  
Care New Willard Hotel, Washington, D. C.:

I am not only not supporting Senator Owen bill, but opposed to it.

Dr. A. T. STILL,  
"Father" of Osteopathy, Founder of the School.

Here is one from the faculty of the Hering Medical College, Chicago:

[Telegram.]

CHICAGO, ILL., May 19, 1910.

B. O. FLOWER,  
Willard Hotel, Washington, D. C.:

I am opposed to Owen bill and know that the homeopathic profession of State are opposed to same.

ORION KEMPER THOMSON, M. D.,  
Faculty Hering Medical College, Chicago.



Here is one from Missouri:

[Telegram.]

KANSAS CITY, Mo., May 19, 1910.

B. O. FLOWER,  
*Willard Hotel, Washington, D. C.:*

Homeopaths Missouri and Kansas joint session here protest against passage Owen bill.

LEWIS P. CROTCHER, M. D.

Here is one from New York:

[Telegram.]

NEW YORK, May 19, 1910.

B. O. FLOWER,  
*New Willard, Washington, D. C.:*

Following telegram from Lansing, Mich.: "Am against any law or measure such as would result from the passage of Owen bill. Signed, Richard Simmons, M. D."

NATIONAL LEAGUE FOR MEDICAL FREEDOM,  
By J. R. KATHRENS.

Here is one from Watertown, S. Dak.:

[Telegram.]

NEW YORK, May 19.

B. O. FLOWER,  
*New Willard, Washington, D. C.:*

Just received the following wire from Watertown, S. Dak.: "C. E. Schoolcraft, M. D., D. O., president state society osteopathy for South Dakota, will cheerfully act on advisory board. Signed John D. Carle."

NATIONAL LEAGUE FOR MEDICAL FREEDOM,  
By J. R. KATHRENS.

Here is one from New York City, just received as I came in:

[Telegram.]

NEW YORK, May 19, 1910.

B. O. FLOWER,  
*New Willard Hotel, Washington, D. C.:*

This office has received individual telegrams from the following cities giving the number of enrollments received and mailed to-day: Baltimore, three hundred forty; Chattanooga, Tenn., one hundred five; Nashville, seventy-five; Memphis, three hundred fifty-seven; Cleveland, two thousand; Knoxville, Tenn., ninety; Louisville, Ky., one hundred forty.

NATIONAL LEAGUE FOR MEDICAL FREEDOM,  
By J. R. KATHRENS.

Here is one from the office in New York:

[Telegram.]

NEW YORK, May 19.

B. O. FLOWER,  
*New Willard, Washington, D. C.:*

The names of one hundred twenty-six eclectic practitioners have been enrolled by this league yesterday and to-day.

NATIONAL LEAGUE FOR MEDICAL FREEDOM,  
By J. R. KATHRENS.

Another telegram from New York:

[Telegram.]

NEW YORK, May 19, 1910

B. O. FLOWER,  
*New Willard, Washington, D. C.:*

We have the names of one hundred forty old-school doctors who have declared in favor of medical freedom and who lend their names and moral support to your movement.

NATIONAL LEAGUE FOR MEDICAL FREEDOM,  
By J. R. KATHRENS.

Here is another one:

[Telegram.]

NEW YORK, May 19, 1910.

B. O. FLOWER,  
*New Willard Hotel, Washington, D. C.:*

Three hundred and forty osteopath practitioners have already joined this league and many more coming in with each mail delivery. Total number of enrollments up to noon to-day 22,800.

NATIONAL LEAGUE FOR MEDICAL FREEDOM.  
By J. R. KATHREWS.

Here is another one:

[Telegram.]

INDIANAPOLIS, IND., May 19, 1910.

HON. CHARLES A. BOOKWALTER,  
*Willard Hotel, Washington, D. C.:*

A medical trust would be a national calamity. In fighting it you are doing humanity a noble service.

Dr. J. A. HOUSER.

Here is a letter from the president of the Ohio Optical Association [reading]:

COLUMBUS, OHIO, May 17, 1910.

B. O. FLOWER, Esq.,  
*Metropolitan Building, New York City.*

MY DEAR MR. FLOWER: I read of your work in the Cincinnati Enquirer, and am heart and soul in sympathy with you. The above organization, of which I am president, has just given the A. M. A. a good tussle, and they knew they were in a fight. Also we were victors in the general assembly and now have a bill awaiting the governor's signature before it becomes a law. The opticians have a national organization composed of various state associations, and we will meet at Cedar Point August 15-18, and I think that in view of the fact that we have been victorious in 24 States and are still fighting the medical trust in all the others, we might be of mutual aid. I will lend you all the assistance within my power as an individual, for I do not believe any man who has had any experience in combating the selfish and intolerant element that composes the A. M. A. but what will do yeoman service for his fellow-man. If I can be of any service to you, I will consider it a favor to be called on as a volunteer.

With best wishes for your success, I am,

Your obedient servant,

C. M. McDONNELL,  
21 East State Street, Columbus, Ohio.

I have read these merely to give a general idea of the breadth of this movement and of the alacrity with which the people are sending in their names for the purpose of joining the league.

The purpose of this organization, as stated in its prospectus, is "the maintenance of the rights of the American people against unnecessary, unjust, oppressive, fraternal, and un-American laws, ostensibly related to the subject of health. \* \* \* It seeks through publicity and education to unmask and oppose any legislation which endeavors to put into power any one system of healing and use the government prestige, money, and machinery to enforce its theories and opinions upon citizens who believe in other forms of healing."

It is as essential to liberty of the individual to have medical freedom as it is to have political or religious freedom. In fact, medical freedom comes possibly closer to his interest, to his material welfare, than either of the others. It affects life itself.

This organization, that in a few days has secured 50,000 members, and that is confidently expected will have 100,000 members within two weeks, is made up largely of those who have been for years individually interested in defending that freedom for the maintenance of

which they have now organized. It is a popular movement. Ten thousand applied for membership yesterday alone. It is the only popular movement here represented.

It has become almost as regular as the sessions of the legislatures themselves for attempts to be made in each State in the Union to pass legislation that will either restrict the practice of medicine to those who have pursued certain courses or that indirectly seek to gain the same object by prohibiting pay for services and similar devices. The people whom I represent believe that every man has a right to select his own physician and to seek remedy and relief wherever he can find it. They know that the attempts to restrict the practice of healing, or of medicine, to certain schools of medicine has been largely the result of the efforts and endeavors of the members of those schools of medicine who would be benefited by such legislation.

Among other States where such attempts have been made, and are being repeatedly made, I will mention New York, Washington, Oklahoma, Pennsylvania, New Hampshire, Nebraska, Colorado, Iowa, Kentucky, Tennessee, Maine, Alabama, Louisiana, Missouri, Michigan, California, Utah, Montana, North Carolina, New Jersey, Minnesota, Wisconsin, Arizona, and Connecticut, and my own State, Massachusetts.

In all these States such efforts have been defeated. In Maryland, Ohio, Virginia, Texas, and Delaware such efforts have been partially successful. It is not surprising that the people who have made the contests against this restrictive legislation for years in these various States look with suspicion upon the efforts of the American Medical Society, to pass the legislation now proposed, particularly in view of the fact that admittedly for twenty years this society has been endeavoring to obtain just such legislation, while during that period through its various members, it has been endeavoring to obtain restrictive legislation in the States.

An ex-president of the American Medical Society, in an interview in a Boston paper night before last, made the statement that those who were opposing this legislation were but uttering "the old cry of the incompetents, who practice under various designations, against legislation that will tend to bar them from practice." Thus we have the authority of this former president of the society to the effect that only the orthodox are competent and this proposed legislation is intended to discriminate in the end, and in some way to bar from the practice of medicine all who do not practice according to the methods of certain schools. Doctor Custis this morning said that doctors were entitled to recognition because of the capital spent in their education. What recognition? The recognition that comes through restrictive legislation and gives them a monopoly of medical service. Restrictive bills have been urged in some States on this very argument of Doctor Custis, and he therefore confirms our belief as to some of the motives behind this bill.

Add to these facts the further fact that the unusual language of this bill gives unlimited power to this new department, and one can readily see that the apprehensions of this society as to the ultimate possibilities of this legislation are well grounded.



I will not enlarge upon this objection, but will ask to leave with you for the record, if you please, an able article which has been prepared by President Flower, editor of the *New Century Magazine*, and which deals almost exclusively with the objection that this bill is a menace to medical freedom.

It is to be assumed that no legislation of this character can be favorably reported by your committee, unless from facts within your own knowledge or from facts brought to your attention it appears that there are evils to be remedied or needs to be supplied and that the proposed legislation will accomplish, in a satisfactory and reasonable way, the curing of the ills and the supplying of the needs. The burden of proof is upon those who seek the legislation and not upon those who oppose it. There have appeared before you men standing high in the professional world who are naturally, as all men must be, in favor of all proper safeguards for the public health. In a large part their appearance here has been by reason of their interest in the question of public health rather than by reason of any particular study of the purposes and possibilities of this legislation.

The people whom I represent are as much interested in the public health as are any. We oppose no legitimate activity of the Government to this end. If there is any specific need shown to your committee for this department of public health that can not be better and more reasonably supplied in some other way, then we do not oppose its establishment, provided it is limited in its authority to the accomplishing of that specific purpose and not given general power that would allow it to supersede Congress, to tyrannize over the individual, to coerce States, and to nullify the Constitution, for to all of these last we are unalterably opposed, though they are urged on the misleading plea of humanity.

I submit to you that nothing has been urged here as to the duties of the nation in regard to health within state lines that could not with equal propriety and equal force be urged in the matter of morals and of the public peace. If such is desirable, then amend the Constitution, delegate to the nation these three powers, and then let the States go out of business and become absolutely merged in the nation, for they will have not a scintilla of power as excuse for existence left. If this is desirable, let it be done; but when it is done we know that the most powerful foe to the growth of tyranny in a republic will have been forever laid low.

It has been represented to you that many lives are lost annually in this country from preventable causes, but the attempt to show that these lives could be saved by a department of public health was far from convincing—in fact, the figures themselves seemed to have been based on false premises, largely on figures obtained from New Zealand, where all conditions are different, but I notice that there was no direct allegation that the longevity of life in New Zealand was the result of any national board of health. Is it not true that the less the burden is placed upon the local authorities for the health of their communities, the more it is attempted to be shifted to the National Government, the less likely are good results to be obtained? This is particularly true in a country so large as ours, and the States did well, therefore, not only as a matter of liberty, but as a matter of safety also, to reserve to themselves complete jurisdiction as to the health and morals of their respective peoples.

It has been urged that there is danger of contamination to interstate waters; that the bubonic plague was not handled so well as it might have been in California; that epidemics may some time in the future make trouble; that there is a duplication of work in certain departments; that there ought to be one department that should combine all these various medical and health bureaus and divisions, and that such department should also make research in matters pertaining to the public health and educate the people.

It is seriously urged that the proposed work can not be done to advantage or be treated with such respect as it should have unless it has a department of its own with a secretary in the President's Cabinet. Forgetful of the fact that departments are not created to give dignity to its officials, but because the dignity and character of the work requires a department. To say that the work is not of sufficient importance to receive the public attention that is desired unless it is dignified by being made a separate department, is to admit that the department is not needed. I do not minimize the importance of the question of the public health, but I do say that under the Constitution the work that can be properly done by the nation does not justify the creation of a separate department.

It has been seriously urged that the Government spends millions for the protection of animals, and we are asked as to why the Government should spend money to protect hogs from cholera and not spend money for the health of men. Such arguments are superficial and overlook the fact that the money that is spent to protect the hogs from cholera is not to protect the hog, but to protect the man that eats the hog. A little thought will reveal that there is hardly a department of the National Government that is not more or less directly engaged in matters that pertain to the health of the public so far as is possible within the limited jurisdiction of the nation, and the criticism that there has been any dereliction of duty on the part of Congress in this respect is certainly unwarranted.

The form of the bill is very objectionable, even though its purpose may be good. Its meaning is not clear. Those who have appeared in its favor have been asked what can be done under it. No one has been able to set definitely its limitations or to state with completeness what is contemplated. When an objection has been raised to any part of it, it has been customary to reply, "That is a mere matter of detail that can be left out of the bill," but if all the matters of detail were to be left out, even those about which there has been a difference of opinion among its advocates, there would be very little left.

This seems to be a proposition to launch a great department without having any adequate knowledge as to whether or not there is need for it, the voyage that it is to undertake, or whether or not, indeed, it is to fulfill its functions on earth or sea or in the sky.

I ask you what is the meaning of section 2, which says that "all departments and bureaus belonging to any department excepting the Department of War and the Department of the Navy, affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto, shall be combined in one department," etc. It begins by providing for a combination of departments. What departments are to be combined in this new one? Why, according to its terms, all those affecting the medical, surgical, biological, or sanitary service, or any questions relative thereto. This is broad

enough to take in the whole Department of Agriculture. It might include the Department of Commerce and Labor and possibly some others. You say it is not intended, but that is the language.

Again, it is provided, after specifically naming certain agencies, that "every other agency of the United States for the protection of the health of the people of the United States or of animal life be, and are hereby, transferred to the department of public health, which shall hereafter exercise exclusive jurisdiction and supervision thereof." How broad is this? Scores of agencies not specially enumerated may be found to come within this provision and to be, therefore, a part of this department without its having been in the contemplation of the minds of those who drafted this measure. Indeed, it has been seriously urged by the promoters of this bill that the educational work of the Government is in reality a matter of public health and might properly be transferred under this bill. The bill is broad enough to do it, although it is not specially mentioned. Who will decide, if you pass this bill, whether or not it does include the Educational Bureau and numerous others that might be embraced in its terms?

Again, suppose that the Bureau of Chemistry of the Department of Agriculture is transferred as the bill provides. Does the jurisdiction of the Secretary of Agriculture also pass with it? Under the pure-food law he passes upon the accuracy of labels and the quality and wholesomeness of foods, and citations for violations of the law are returnable before him. Does this law still remain in force or would these duties be transferred to the board of health? Does the transfer of the bureau referred to change the provisions of the law, which vest in the Agricultural Department the general jurisdiction to enforce the food law? The statutes further provide that the Secretary of Agriculture and the Secretary of Commerce and Labor shall make joint regulations for enforcing the pure-food law. Is it intended that this general clause shall repeal these statutes and transfer these powers to the secretary of public health? I believe many questions, ambiguities, and conflicts of this kind would be found to result from the ambiguous wording of this bill as well as from its nature.

Again, what are included in the meaning of the words in the seventh section, "to supervise all matters within the control of the Federal Government relating to the public health?" What power does this confer? The Federal Government is one of enumerated powers and has no general police power for the protection of the health, morals, or safety of the public. The general power to legislate for that purpose is reserved to the States, but Congress may legislate for the Territories, and for the District of Columbia. Under its power to regulate commerce with foreign nations and with the several States it may establish quarantine and immigration regulations and enact pure-food laws. Does not this bill transfer all these powers to the new department and could not, for instance, this department, under sections 2, 7, and 8, by departmental order control interstate traffic by health regulations, etc., and if so, is it desirable for Congress thus to shift its own responsibilities?

There is a serious question in my mind as to the constitutionality of this bill, for section 7, I believe, includes an unlawful delegation of legislative power. It is an unlimited power that Congress would attempt to give by this bill, and Congress can not delegate unlimited



power to pass health regulations for interstate commerce for the government of the Territories and the District of Columbia. "The true distinction is between the delegation of power to make the law which necessarily involves a discretion as to what it shall be and conferring authority as to its execution to be exercised under and in pursuance of the law. The first can not be done; to the latter no valid objection can be made." (*Field v. Clark*, 143 U. S., 693.)

The general principle seems to be as follows: The statute must be a law in itself, so closely specifying its object and the duties of the officer as to constitute a clear rule of conduct for him, leaving only a discretion to find facts on which the law is to take effect, or to give administrative directions for carrying it out. If the discretion left to the officer is broader than this it contains a delegation of legislative power, and is unconstitutional. An authority to an officer to supervise in general matters which are within the legislative power and according to his discretion, is unconstitutional, for there must first be legislation concerning them, and his discretion can be employed only under and in pursuance of that legislation. (*Field v. Clark*, 143 U. S., 649; 204 U. S., 364.)

If it be argued that section 7 intends merely to confer on the secretary of public health an administrative power or supervising powers already placed or hereafter to be placed by statute under the control of the federal departments, then it is so indefinite and ambiguous as to lead to chaos in the departments.

I assume that no one would admit that this bill was intended to create a department to usurp the jurisdiction especially reserved to the States, yet it is a fact that one of its esteemed advocates before you said that he hoped that it might superimpose itself upon the state boards of health, thus indicating that in some way it was anticipated that it might assume a jurisdiction never intended to the National Government. I have a copy of a letter written by one of the distinguished members of the Senate—I am not at liberty to give his name, but it was written in regard to this measure which he was asked to support—he says: "I do not find it possible to reconcile the proposition to extend the federal authority over the health of our people with my theory of this Government. That the States themselves shall control all matters relating to the health, morals, and peace of every community within them seems to me the most elementary principle of democracy, and I can not consent to share with the Federal Government the control over any one of those three attributes of state sovereignty."

Again, this bill will disarrange the existing departments far beyond any power of good that can flow from it. I notice that one representative of the department here said, as he was bound to do, that he could not object to the transfer of the specific bureau, but he said his chief had asked him to make the request that his department be not mutilated. If you can find any way of performing the operation that will remove from the Agricultural Department "every agency for the protection of the health of the people of the United States or of animal life, or that affects the medical, surgical, biological, or sanitary service" without stripping the department of everything except its name, you will have accomplished a very skillful undertaking. But this will not be the only department that would be thoroughly mutilated by the general provisions of this bill, and this

mutilation is going to result in lack of harmony, lack of effectiveness, and I believe an increase of expense.

Before you attempt this serious operation consider well that these various bureaus and divisions have so conducted their work as to receive the commendation of all who have appeared before you, and no one has raised any criticism against them, with the single exception of the head of the Treasury Department in the matter of the bubonic plague in California. On the contrary, various references have been made to the great work that these different bureaus have accomplished. There is no reason, therefore, for consolidation because of their lack of success and effectiveness. The creation of this department will produce conflict with States, conflict with the territorial authorities, conflict with the District of Columbia authorities, and conflict in the various departments. Some of these departments, like the Department of the Interior, Department of the Treasury, and Agricultural Department, can not perform their great functions without, as an incident thereto, doing things that involve questions of public health. Moreover, they can do it better, so far as carrying out the purposes of their departments are concerned, than can a new and independent department for them.

Some of the boards and officers it is proposed to place under the new department by this bill have no proper relations to questions of public health as such; but only to the protection and proper administration of the departments themselves. Why should the medical referees, surgeons, and examiners of the Pension Office, for instance, be put in a health department? Could it be done without dividing responsibility between departments and interfering in the work of the Pension Office? Such consolidation would seem to be without reason.

The bill says all medical officers in various hospitals, etc., shall be under the new department. But what becomes of the hospitals themselves? Are they to be left under present departments, thereby dividing critical responsibility? If not, why does not the bill say the hospitals instead of the medical officers shall be under the new department?

Is it feasible to place the control of the medical officers of the Revenue-Cutter Service (Treasury Department), as this bill contemplates, or of the Pension Office (Department of the Interior), or of the Soldiers' Home (War Department), in a department different from that which controls the work in which they are respectively engaged? Would this not produce conflict in the supervision of the Soldiers' Home? They are under the supervision and inspection of a board of commissioners composed of army officers (Fed. Stats., sec. 4814), and it is provided that their officers shall be from the army. Shall the medical officers detailed there be under the jurisdiction of a wholly distinct department? I have already referred to the duties of the Secretary of Agriculture and of the Secretary of Commerce in connection with the enforcement of the pure-food law. Conflicts here are certain to result from the wording of this bill. Shall the revenue cutters be under the Treasury Department and have an entirely independent medical force aboard of them not subject to that department? And so of the Quarantine and Immigration services.

The Government has established under the Department of Agriculture bureaus for making experiments and investigations and collecting information concerning vegetable and animal life and products

which are the subject of interstate commerce. The Bureau of Entomology investigates matters relating to injurious insects. I notice that the advocates of the bill differ as to whether or not this bureau should be included in the new department. The bill says it must. The Bureau of Chemistry studies the wholesomeness of food preparations, the quality of fertilizers, etc., its most important functions being to make analyses and fix standards to aid the Secretary of Agriculture in enforcing the pure-food law. The Bureau of Animal Industry investigates the breeding, feeding, and care of cattle, and inspects cattle intended for slaughtering and supervises the slaughtering.

The Forest Service, another bureau, is intimately associated with that of the Bureau of Entomology. How can you transfer the one without the other without conflict? The Bureau of Biological Survey, which is employed in the investigation of birds and mammals, is apparently left by the bill with the Department of Agriculture. But section 8 of the bill provides that the new department shall establish another bureau of biology and establish biological standards. How about conflict between departments in these matters? The power given in section 7 to supervise all matters within the control of the Federal Government relating to the public health, including, as it does, all the above matters, both legislative and administrative, is too indefinite to make a valid statute. Does it include control of the sanitation of the public buildings, the inspection of transports and colliers, and other matters of health pertaining to the work of the other departments? In short, will not the creation of this department with such broad powers result in a division of responsibility between departments and open the way for constant conflicts and lack of harmony between them? Why should the department of vital statistics be transferred? It is said that without such statistics reliable data for the health department can not be obtained. And it is urged that this should be one of the features of the bill. But this is contrary to all foreign methods and to all state methods, and would of necessity duplicate a large part of the census machinery, and at enormous expense, without any corresponding benefit. I do not think the transfers of some of these various bureaus would be contemplated for a moment were it not necessary in order to give the new department something to do.

That the advocates do not agree as to what may properly be transferred to a health department appeared many times. Professor Kober in his remarks went as far as to claim that eventually all matters relating to labor, census, agriculture, education, and, in fact, most everything, might be included under the department of health. As another instance I recall that Doctor Wiley and Doctor Kober did not agree on so important a matter as the transfer of the Bureau of Chemistry from the Agricultural Department.

Again, I believe this legislation would retard progress. It is proposed, for instance, that all the chemical laboratories of the Government, I think some 16 in number, shall be combined into one laboratory under the new department. Will this be advantageous? If so, tell me why it is that the Department of Agriculture now maintains six chemical laboratories and the Treasury Department four. Why is it that the Department of Agriculture now maintains three pharmacological laboratories? If the Department of Agriculture finds it inadvisable to combine its work in one general laboratory, and no one



has questioned its conduct and ability, would it not be much more inadvisable for all the departments of the Government to combine their work in one general laboratory? Is it not a fact that if a laboratory is merely to make tests that then it makes but little difference? But if progress is to be made in original research and in the field of discovery, then it is important that there should be different men and different laboratories working independently. You increase the chances of success just in proportion as you increase the number of minds working independently on a problem. And this suggestion in regard to the laboratories applies to this whole question of consolidation. Observe what all these departments, bureaus, and laboratories have done working independently. They have solved the yellow-fever problem. They have solved the hookworm problem, and various other things that are greatly to their credit. I question whether or not any single health department, narrowed in its activities by the necessary narrowness of a single man in control and directing it from Washington, would have been able to accomplish the results that have been accomplished. If it is desired to obtain progress in medical discovery, progress in matters relating to the health of the people, then I submit that it is more likely to be obtained through the continuance of existing machinery, and through its multiplication, if necessary, rather than through the proposed method of consolidation. It is to be obtained through bureaus working upon special lines, through the bureaus themselves being specialized, as well as the experts being specialists. Would anyone contemplate with approval the combining of all the laboratories and medical schools of the country under one common head to be directed by one central power? Would anyone expect such favorable results from such a course as would be obtained through the diversity of ideas that are certain to develop where there is independence of action? Wholesome rivalry is good; independent research is necessary, and no progress has come in the field of medicine or elsewhere without it.

I need not direct your attention to the paternal character of this legislation. If it has any effect on the States whatsoever, it will be to cause them to neglect to solve their own problems and to lean upon the central government. It will tend to destroy self-reliance and initiative on the part of States and individuals and, I believe, would eventually tend to prevent those large benefactions with which our country has been blessed, which, coming from private sources, are enabling researches into the unknown that will prove of vast benefit to the health of men. In the multiplication and variety of such efforts there is more of hope than in any work the National Government could do.

I have referred to the centralizing character of this legislation. This, too, makes it objectionable. The States and the cities ought to be left to control matters of health as a matter of fact as well as a matter of theory. They have the hospitals and the people, and their relation to them is such that they have better opportunities for looking after them and for protecting them. It is urged, of course, that this attempted centralization may be powerless, but that it can inform and enlighten and advise. There is nothing so cheap in this world as advice, and nothing that is so little cared for. There is not a man in this room but what has read a thousand ways to improve his condition recommended by the best doctors in the land, and yet they have

not attempted to follow the advice. In fact, if they should follow half the advice that physicians give them they would have time for nothing else even though they lived to be as old as Methuselah. Men will continue to drink and to smoke and to eat contrary to the best laws of health, and in spite of all the advice that can be given. If the department is not to have power, then it can not be effective. But whether it has the power or not, it must be admitted that it is an attempt to have the nation do what the Constitution never contemplated.

Again, this bill is objectionable because no one can foresee the expense that will be incurred under it. Disadvantages it has; limitations it has not. The only information we have on that subject is that contained in a letter of the president of the committee of one hundred, who says, "Within a decade it will surely cost millions upon millions." This is paying pretty high for a change that has so many objectionable and uncertain features.

Finally, I wish to draw your attention to the fact that, notwithstanding all the disadvantages that are threatened by this legislation, it can not accomplish any good but what may be better accomplished in some other way. For one evil that it will cure it will, under the terms of this bill, produce many. What remains of the evils that it is supposed to correct? It can not go into the States except so far as it is a matter of interstate commerce. Nor is it necessary. The history of the bubonic plague in California as given by the promoters of this legislation shows that such legislation is not necessary in order to protect the States on these matters. When the adjoining States said to California, "Take care of this trouble or we will quarantine against you," it was all that was necessary. That is the right that the State has. Therefore there is no need of this legislation in order to prevent epidemics going from State to State, for the State alone has the authority to prevent it.

Again, there has been much stress laid upon the necessity of a department to prevent the pollution of interstate waters. But the courts long ago showed the way to prevent this. The injunction has been a complete remedy. The Federal Government has no power by legislation to protect one State from a nuisance to health existing in another State, but the aggrieved State can bring suit in the federal courts and protect itself. Missouri tried it and prevented the pollution of the Mississippi River by the State of Illinois and by the city of Chicago (see *Missouri v. Illinois*, 180 U. S., 208), and there are other cases of similar nature.

If it is merely investigation of such situations that you want, there is already the bureau that can do it, and do it well. Enlarge its powers.

There is really no field for this department but what is already covered and well covered by existing agencies. Even the question of man's growth is being studied in the Division of Nutrition Experiments, properly in the Agricultural Department, and with a view to determine what substances are necessary to secure the proper growth of the body and repair waste.

Having in mind the valuable results obtained under the present system, and its adaptability to the treatment of any health problem within the constitutional scope of national authority, we urge upon you not to favor this radical legislation, for which no necessity appears and which can but result in confusion and involve grave danger.

Now I want to call attention to an article by President Flower, of the league, which I will not read, but ask to submit to the committee for their information on this particular point.

The CHAIRMAN. It will be admitted.

(The paper is as follows:)

#### THE MENACE OF A NATIONAL-HEALTH BUREAU.

"Moved as are the projectors of a railway, who, whilst secretly hoping for salaries, persuade themselves and others that the proposed railway will be beneficial to the public; moved as are all men under such circumstances by nine parts of self-interest gilt over with one part of philanthropy, surgeons and physicians are vigorously striving to erect a medical establishment akin to our religious one. Little do the public at large know how actively professional publications are agitating for state-appointed overseers of the public health.

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"There is an unmistakable wish to establish an organized, tax-supported class, charged with the health of men's bodies as the clergy are charged with the health of their souls. And whoever has watched how institutions grow—how by little and little a very innocent looking infancy unfolds into a formidable maturity, with vested interests, political influence, and a strong instinct of self preservation, will see that the germs here peeping forth are quite capable under favorable circumstances of developing into such an organization." (Herbert Spencer in *Social Statics*.)

#### THE PLAUSIBLE PLEA THAT MASKS A PERNICIOUS PROPOSAL.

At the time of this writing a measure is being vigorously pushed in Congress for the establishment of a national-health bureau, which we believe to be the most pernicious national legislation that has been attempted for years. The pending bills, for there are measures being pushed in both Houses, are the culmination of a systematic campaign that has been waged during the last few years by a committee which has served as a fence behind which the political doctors have worked with untiring zeal.

The committee has evidently found it extremely difficult to interest the people or the legislators in its adroit attempt to secure legislation that will prove the opening wedge by which the regular medical association will be able to supervise the health of the nation, as in a letter sent out under date of December 23, 1909, Professor Fisher, the head of the committee, thus hints at the difficulties he has encountered and shows that the only hope of securing legislation lies in an attempt to frighten Congressmen into favoring the proposed measure.

"We believe," says Professor Fisher, "that it is not possible to overcome the opposition unless a campaign fund of from twenty to twenty-five thousand dollars can be raised at once. This will be used for printing, stationery, telegrams, etc., the effect of which will be that Congressmen, especially pivotal Congressmen, will not dare to displease their constituents by opposing President Taft's programme. It will also be used to reach our American Health League, which contains many thousand health enthusiasts, to start up our 'authors' league' of 1,000 health writers, to stimulate our press council of 100 leading editors, and to supply them and their members generally with ammunition in the way of literature; also to reach the labor organizations and the grange and all our allies."

Again, he says:

"Letters received from Congressmen in response to our effort to poll them on this question show that many of them, and especially those who control procedure, need something more than the President's message to urge them to action; in short, that they must have letters and telegrams from their constituents."

This letter clearly indicates that the vigorous educational campaign, which has already entailed between forty and fifty thousand dollars expense, has totally failed to meet with any general response on the part of the people, and that the legislators who have been labored with see so little need of the proposed measures that unless they can be intimidated by interested parties, there is no hope of securing the legislation in question.

The indifference or hostility on the part of the people to the proposed legislative innovation rises largely from their innate fear lest their rights and liberties be infringed upon by the proposed measure, although the sinister aim of the friends of the measure has been so carefully concealed and the arguments for the legislation have been so plausible that they have won the support of some of our ablest statesmen and publicists, who doubtless are unfamiliar with the long and desperate effort of the regular medical societies to obtain monopoly in the healing art.



Senator Owen, who has introduced the bill in the Senate, is a man for whom we entertain the highest regard. He has made a splendid record in his outspoken defense of popular rights in opposition to the aggressions of privilege and in demanding that the people be recognized as the sovereigns and not the subjects in government. It is therefore with keen regret that we find ourselves compelled to oppose his stand in seeking to further the long-cherished scheme of the American Medical Association, by which it hopes to get the camel's head into the government tent. We do not for a moment impugn Senator Owen's motives. We believe he, in common with scores of other distinguished and high-minded citizens, has been misled by the fair and plausible general professions and pretenses—the engaging exterior or mask, behind which advances the most sinister trust that has yet menaced American freedom.

The proposed radical innovation is so grave in character that it calls for more than passing notice.

#### THE GREAT PRIVILEGE-SEEKING CLASS BEHIND THE PROPOSED LEGISLATION.

When a few years ago the movement was organized to secure national health legislation, the plea advanced was merely for the bringing together of the various health activities in the National Government under the direction and control of one of the then existing departments, that needed work might be more systematically, economically, and efficiently carried on.

In his message in January, 1909, the President, on the plea that it was highly advisable that there be intelligent action on the part of the nation on the question of preserving the health of the country, urged the concentration of the proper bureau into one of the existing departments; and in the preceding October the Journal of the American Medical Association, in speaking of the organized movement for legislative action, admitted that it did "not mean an independent department of health." Since then the advocates of special medical legislation have advanced from the apparently innocent plea made when the organized agitation was inaugurated, to an insistent demand for the creation of a full-fledged independent department, with a secretary who shall be a Cabinet officer, and with all the equipments of an elaborate bureau. What will be the next step?

No person familiar with the steady, uninterrupted, persistent, and determined efforts of the organized medical societies or the activity of the American Medical Association for medical restrictive or monopoly legislation can doubt for a moment that when such a bureau as is contemplated is once organized the next step will be an aggressive attempt, through bureaucratic rulings if additional legislation is denied, to place the control of the people's health in the hands of the regular medical profession and thus compass a monopoly in the healing art which it has striven to gain during the past fifty years.

The same plea which the religious hierarchy long urged for the denying to the individual of the right to enjoy the ministrations of the clergyman or divine of his choice, on the ground that it would endanger the spiritual health of the people because the layman did not know what was best for his soul's salvation, has been arrogantly maintained in regard to the physical health by the American Medical Association and the various medical societies that have persistently striven for trust legislation.

The fact that the proposals outlined are general in character and that the emphasis is placed upon the good of the people, has served in this instance, as in countless other cases where privilege-seeking interests have secured special legislation, to mislead many high-minded, earnest, and patriotic citizens. Only those who have been familiar with the uninterrupted, adroit, and persistent struggle on the part of organized medical societies for the past half century to secure a monopoly in medical practice that would enormously enrich the favored ones, would appreciate the danger lurking in even Senator Owen's bill, unless he carefully scrutinized sections 7 and 8 of this measure. From the Atlantic to the Pacific, the doctors who have battled for trust legislation, no less than the American Medical Association, are actively working to secure the creation of this new bureau. "The bill which I have introduced," says Senator Owen, "is in accordance with the earnest and repeated desires of the American Medical Association." Certainly it is; and had it not been for this great special-privilege-seeking body there would have been no elaborate educational campaign such as has been carried on for the last three or four years. It did not require Senator Owen's naive utterance to reveal the Senegambian in Senate bill 6049.

Elsewhere in his speech Senator Owen says: "The American Medical Association, I understand, for twenty years, has been trying to accomplish some results, in this matter." And again: "The American Medical Association nineteen years ago (1891) by a committee \* \* \* urged this policy of a department of public health."

Yes; it is the American Medical Association that has been so aggressively favoring medical-monopoly legislation in the States, that for twenty years has been the real

active, vital power in striving to get an entering wedge for national supervision of health. It has, according to the confession of its own members, been perfecting its political machinery and bringing itself into touch with the political leaders of all the parties, with a view to compassing its cherished aims.

The advocates of medical-monopoly legislation may war among themselves in regard to whether a certain drug is poisonous or innocuous, or whether certain symptoms indicate organic or merely functional disease, but on one question there has been unity of purpose and action—the attempt to take away from the citizen the right to select the physician of his choice.

#### DANGEROUS PROVISIONS OF THE PRESENT BILL.

Usually, when such measures are introduced, the first step, or the entering wedge, is apparently very innocent and little open to objection. The privilege-seeking interests first seek to obtain a standing in court and the mere prestige of government behind them. Then, step by step, they press forward in securing monopoly powers by depriving the people of rightful freedom and placing them in the power of the protected class. But in sections 7 and 8 of Senate bill 6049 we find provisions that could easily be employed as engines of class advancement at the expense of the proper rights and liberties of the citizens.

Section 7 provides that: "It shall be the duty and province of such department of public health to supervise all matters within the control of the Federal Government relating to the public health and to diseases of animal life;" while section 8 provides for the establishment of "chemical, biological, and other standards necessary to the efficient administration of said department."

A bureau manned by representatives of a class that for half a century has striven to destroy rival systems of cure and schools of practice—a class that has battled uninterruptedly to obtain a monopoly in the treatment of the sick by denying the right of the citizen to the practitioner of his choice—could under the above provisions make arbitrary rulings that, while they might greatly augment the revenue of the members of the medical association, would abridge the rightful freedom of millions of intelligent citizens whose belief and convictions, based on personal experience, are opposed to the dogmatic assumptions of the regular doctors. The presence of these dangerous provisions in this introductory bill clearly demonstrates the sinister purpose of the monopoly-seeking class behind the measure.

Let us now consider some valid objections to the proposed measure.

#### IT WOULD IMPERIL ONE OF THE MOST SACRED RIGHTS OF INTELLIGENT CITIZENS.

(1) If this bureau is established it will be dominated by the American Medical Association. Do not lose sight of that fact.

(2) The American Medical Association has been aggressively favoring monopoly legislation or restrictive laws that would deny to the intelligent citizen the practitioner of his choice, if that practitioner did not conform to the creeds, dogmas, and regulations of the medical school seeking protection. Do not overlook this fact.

(3) There are millions of highly intelligent citizens whose belief in regard to the healing of the body is diametrically opposed to that of the regular profession. Indeed, there are in our midst to-day great and rapidly growing schools or systems of thought that number among their adherents hundreds of thousands of individuals who have been restored to health and the enjoyment of life after they had signally failed to obtain relief under the regular medical treatment.

Here are three closely related facts that may well cause the thoughtful and conscientious citizen to pause, because they involve rights too sacred and intimate to be surrendered at the behest of a privilege-seeking class in which a dogmatic assumption of superior knowledge goes hand in hand with the cupidity of those who clamor for a law that will enrich them by placing unwilling citizens in their power.

There are two rights that free men throughout western civilization have, since the dawn of modern times, and especially since the advent of the democratic era, striven to secure and maintain even at the risk of their lives. One is the right of the individual to select the priest or clergyman of his choice to minister to his spiritual welfare or the health of his soul. The organized hierarchy, priesthood, or clergy, representing various religious bodies that were dominant in different lands—as the Greek church in Russia, the Roman church in western Europe, the English church in Great Britain—denied this right, urging that they were the conservators of divine truth and that to permit the citizen to select his religious minister imperiled the spiritual health of the nation while threatening the eternal loss of the soul of the independence-demanding individual. To gain this priceless freedom Europe was drenched in blood, but in most lands it was finally granted.



Another analogous demand quite as intimate, and to many quite as sacred, was the right of the individual to choose the physician of his choice for his bodily ills. To deny either of these rights is to surrender to privilege and reaction one of the most priceless victories that have made democracy the handmaid of human happiness, progress, and enlightenment. Political freedom, religious freedom, medical freedom—this sacred trinity—must be preserved unless privilege-seeking classes are to be permitted to strike down the sacred rights of man.

IT WOULD BE A BLOW TO SCIENTIFIC ADVANCE AND INTELLECTUAL PROGRESS.

But there is another reason almost as grave as the depriving of the citizen of the right to select the practitioner of his choice to be advanced against this measure, backed as it is by the great privilege-seeking class. History teaches nothing more clearly than that a state-bulwarked class becomes intolerant of advanced thinkers within as without its own ranks. The fierce opposition aroused by Harvey's discovery of the circulation of the blood is a typical illustration and not an exceptional example of the attitude of the regular medical profession in the presence of new and momentous scientific revelations, even when made by prominent members of their own school. In his day the College of Physicians and Surgeons of London refused even to consider this discovery, which is justly regarded as one of the most important in the realm of physiological advance; and nearly half a century after he had communicated the great truth to the world the Paris Royal Society of Medicine gravely listened to an elaborate paper that claimed this discovery to be among the impossibilities.

A volume might be filled with similar illustrations of the hostility to distinguished investigators, even in the medical profession, who from time to time have made wonderful new discoveries. Yet the opposition to their own number has been as nothing to that meted out to savants who from without their class have made great and basic discoveries bearing vitally on the health of the people:

After the advent of democracy, freedom of thought and the right of the individual to enjoy the clergyman and the health practitioner of his choice were for a time conceded, and with this defeat of privilege-arrogating classes, with the recognition of human rights in the field of religion and the healing art, and with intellectual hospitality came the most wonderful era of scientific advance civilization had ever known, an era unmatched in discoveries and revelations of new and undreamed-of truths. In every department of investigation humanity moved forward in proportion as liberty had been granted to her children. In the field of medicine homeopathy arose, and later, in the New World, eclecticism. Both these schools were ridiculed and bitterly assailed by the regular medical profession. But who will deny the wonderfully beneficent influence which homeopathy has exerted on the regular practice in lessening wholesale drugging and reducing the size of the doses, while emphasizing the importance of sanitary conditions and reliance on nature rather than on poisons for the restoration to health? And who will deny the beneficent influence which eclecticism has exerted in modifying and lessening the administration of mineral poisons and in substituting comparatively harmless vegetable remedies for the cruder medication that was everywhere employed before the rising of these two independent schools? Neither of these schools of medicine could have arisen and become a power in the community had the medical associations obtained the monopoly legislation which, for fifty years, they have been demanding in various Commonwealths and, indeed, throughout the English-speaking world.

Moreover, medical practice is not a science; it is at best a progressive art. Within one hundred years even the regular practice has been revolutionized, largely through the influence and success of practices that through freedom have been enabled to grow up in competition with the monopoly-seeking class. Not only is the practice to-day entirely unlike the practice of one hundred or even fifty years ago, but there is the widest divergence of opinion among the leading physicians of the regular profession in regard to the influence or specific action of drugs, and in regard to the indications of the same symptoms. Thus, to take a typical example fresh in the minds of the people, we find that a large number of eminent and reputable physicians denounce the use of benzoate of soda as poisonous to the system and destructive to health, while an equally large number of equally reputable regular physicians hold that the use of benzoate of soda as a preservative is harmless and not to be discouraged. In a murder case, or a case in which the sanity of the criminal is in question, we have usually the spectacle of a number of eminent physicians solemnly swearing that in their judgment certain symptoms indicate paresis or some other form of insanity, while equally distinguished physicians with equal solemnity declare that the same symptoms do not indicate insanity. And these cases well illustrate the divergent views



prevailing even in the ranks of the regular profession, and clearly indicate that whether or not we admit that the most popular medical system is a progressive art, it can not be called a science, and that for the cause of science and the public health no class or school should be given powers that would infringe on the right of the individual or tend to check beneficent discoveries and practices.

IT WOULD FURTHER PROMOTE BUREAUCRATIC AGGRESSIONS THAT ARE ALWAYS A MENACE TO FREE GOVERNMENT.

Nothing in the history of recent administrations has been more disquieting to friends of popular government or fundamental democracy than the steady arrogation by the bureaus of the clearly defined functions of the legislative and judicial departments of our Government. Though these dangerous innovations have been by no means confined to the Post-Office Department, this bureau has been the most flagrant in its despotic usurpation of power. Here, for example, after the department had gone to Congress or the people's representatives for several successive years demanding certain new legislation, and Congress after full consideration of the demands had refused to grant it, the bureau accomplished the legislation that Congress had positively refused by departmental rulings. He is blind indeed who does not see the peril of this assumption of legislative functions by an appointive department not directly responsible to the people.

Furthermore, time and again the department has assumed the right to rule on the legality and legitimacy of various business enterprises—something that should clearly be a judicial function; and no provisions exist recompensing the victim whose business may have been destroyed and whose freedom may have been abridged, in the event of the charges being proved to be without foundation.

These recent arrogations of despotic power by usurpation of legislative and judicial functions savor of Russian bureaucratic despotism, and are in direct opposition to the fundamental principles of democracy and the safeguards provided for popular government by the fathers.

Now, to create a new bureau, behind which would be a privilege-seeking class whose activity in striving to obtain legislation that would grant monopoly rights has been unmatched even by the great commercial interests, would be to greatly augment the perils of bureaucracy. Hence, if for no other reason, no such step should be taken until leading representatives of all great systems of cure and of the laity should have been given ample opportunity to consider the whole question and report its findings.

IT IS UNNECESSARY, AND THE ASSUMPTION OF WHAT IT COULD ACCOMPLISH ARE WITHOUT SUBSTANTIAL WARRANT.

In the next place, the establishment of such a bureau as is proposed is unnecessary. Our Government has proved itself amply able to efficiently handle threatened contagion from without. Could the most elaborate bureau have done better in stamping out cholera or yellow fever in Panama and Habana?

Mr. Owen calls attention to the wonderful record in Habana in stamping out yellow fever, but this was done without handing the nation's health over to any bureau dominated by a monopoly-seeking special class; while since the awakening of the people to the peril of the white plague and the general agitation that has resulted, the progress in checking this and other preventable diseases has been as marked as could possibly be expected without radical economic changes that are opposed by privileged wealth and class interests with all the multitudinous resources at their command. The chief drawback in the campaign for the reduction of the number of preventable deaths lies not in the failure to disseminate necessary information or to conserve healthful conditions, as far as a bureau could conserve them, but in the cupidity and avarice of trusts, monopolies, and landlords. They block the sanitary changes demanded, the abolition of child labor, in factory, mine, and sweatshop, and prevent the remedying of other preventable disease and death.

The advocates of this national legislation have laid great stress on the spread of bubonic plague on the Pacific coast, through rats from ships, and later through squirrels which became infected. It is difficult to see how a national health bureau could have quarantined the rats or prevented their infecting the squirrels. But if it is granted for the moment that special staff physicians with autocratic power could have proved more efficient than the accredited municipal and state medical authorities of California, this end could easily be effected by empowering the medical and surgical staff of the army or navy nearest the quarantined port to establish rules and regulations and cooperate with the accredited medical authorities. In such cases power could be delegated to them similar to that which is possessed in outlying points

such as Habana, when we occupied Cuba and Panama. Thus all possible benefits that could be accomplished by a central autocratic bureau at Washington could be efficiently and economically achieved without this radical departure in government, with the menace which it could carry against the freedom of the citizen, and without further burdening the taxpayers with a bureau which, even according to its friends, will in a few years call for an annual expenditure of millions upon millions of dollars.

But to enthrone in power another privilege-seeking class will fall far short of remedying the evils due to unbridled avarice and privileged wealth. To understand how absolutely absurd is the inference that the establishment of the bureau in question would save the 600,000 lives said to be annually lost through preventable diseases, one has only to compare the general conditions of the people and the vital statistics of medical slave States, or States where the most rigid monopoly laws have long been imposed and the doctors have succeeded in obtaining commissions and control where they have desired it, and with those of the medically free States. Compare New York and Massachusetts, for example. On the other hand, the establishing of this bureau would ultimately mean the placing in power of the regular school or a special class, on the plea that it would banish preventable disease.

The advocacy of this measure has been characterized by appeals to the emotionalism and sentiment of the public, based on statements and inferences that are unwarranted and in many instances thoroughly misleading. Thus, for example, Dr. Charles A. L. Reed, chairman of the legislative committee of the American Medical Association, in a communication incorporated by Senator Owen in his speech, declares that about 600,000 persons die in this country every year from preventable causes. How do we know this?

In his address Senator Owen says:

"In New Zealand the deaths per thousand per annum are 9 and a fraction and in Australasian States 10 and a fraction, while in the United States it is 16.5, a loss of 7 to the thousand in the United States in excess of the New Zealand rate—that is, in 90,000,000 people it would exceed 600,000 deaths that could be saved annually in our republic."

The legitimate inferences which would make this comparison valuable are that New Zealand and the Australasian States, through the possession of such a health bureau as the Senator is advocating, have reduced the death rate 7 in a thousand, and that therefore a similar bureau in the United States could be made to save 600,000 lives annually. Now we ask: Does the Senator or the American Medical Association claim that such health bureaus do exist in Australasia, which alone would make the inferences legitimate or the citation worthy of serious consideration?

There are valid reasons why the death rate in New Zealand and Australia is smaller than with us, one of the leading causes being the unceasing warfare which has been waged by the democratic government of New Zealand, for example, against trusts, monopolies, and privilege-seeking wealth, which has rendered it impossible for the lives of the people to be jeopardized through entrenched avarice and greed, as is the case with our people, and as will be the case so long as privilege-seeking interests are able directly or indirectly to control the government.

Again, New Zealand has been settled, probably more largely than any other country, by vigorous and sturdy Englishmen and Scotchmen. The vast influx of diseased, weak and enervated emigrants from southern Europe and from lands where despotism and misrule have crushed and degraded the poor enormously swells the number of deaths with us from diseases that under some circumstances might be preventable.

Furthermore, if we grant for the sake of argument that there are 600,000 deaths annually that might be prevented, in the United States, do the advocates of this bureau claim that such deaths would be prevented by the bureau? Would the enthroneing of a great monopoly seeking class in government, empowered to supervise the health of the people, lead to the destruction of monopoly bulwarked conditions that the government has been powerless to deal with? And, if not, could we hope for any appreciable diminution in the preventable deaths through the bureau? It may be argued that the bureau would sow the country broadcast with literature, disseminating the views held by the members of the American Medical Association or the regular doctors who happen to be in charge of the bureau. But how could we tell whether such views would be conducive to health or disease, since we are constantly presented with the fact that leading physicians strenuously hold diametrically opposite opinions? For example, would the bureau send out literature advocating the healthfulness of Duffy's Malt Whisky or other brands of alleged pure whisky? Would it urge that whisky is injurious but that beer and light drinks are healthful? Or would it take the position that all stimulants as beverages are deleterious to the general health? Reputable and leading physicians in the regular profession hold to all these views. Would the bureau rule that benzoate of soda used as a preservative is a noxious poison



destructive to the health of the people, as many physicians hold? Or would it rule, as equally able physicians insist, that its use as a preservative is harmless and should not be discouraged?

#### IT WOULD ENORMOUSLY INCREASE THE EXPENSES OF GOVERNMENT.

The argument that it would be economical to intrust the health provisions that are being so admirably met by the various departments to one bureau is not borne out by facts. For the present fiscal year the appropriations for sanitary purposes, exclusive of the Philippines, Porto Rico, and Cuba, were \$14,972,320. And it is claimed that the proposed bureau could handle this large appropriation much more economically and efficiently than the bureaus that have so admirably handled the appropriations in the past. But this claim is seen to be thoroughly misleading when it is remembered that the bill expressly exempts the medical staffs of the army and navy and their sanitary activities from the supervision of the proposed health department. Now, the great bulk of the money for which the above appropriation is provided will, under any circumstances, be expended by departments independent of the proposed health bureau, while, on the other hand, the provisions of the bill demand \$12,000 for a cabinet officer, \$6,000 for his assistant, \$3,000 for a chief clerk, together with an army of such employees as may be found necessary.

The flooding of the nation with literature favorable to the theories of the physicians in power will enormously swell the expenses of the bureau, and yet such expense will be small indeed compared with annual appropriations that will be called for in the event that this bureau, dominated by a special privilege-seeking class, is once in operation. Indeed, Professor Fisher, in the letter to which we have referred above, admits as much when, in speaking of the bureau, he says that "once started," it "will surely expand within a decade so that millions upon millions of government money will be put into this new form of national defense."

Here, then, are some leading objections to the proposed legislation:

(1) It would imperil one of the most sacred rights gained by the people since the dawn of modern times, because it would place the health supervision of the nation in the hands of the representatives of a great privilege-seeking body that for more than fifty years has been adopting the various tactics of trusts, corporations, and privileged wealth to secure monopoly rights which would prevent the citizen from enjoying freedom of choice in selecting a practitioner when ill.

(2) It would be a blow to scientific advance and the sound intellectual progress that can only flourish under the ægis of freedom, as it would discourage free and independent research and investigation such as has been responsible for so many of the greatest and most beneficent discoveries in the domain of the healing art, as well as in all other lines of scientific advance and intellectual progress throughout the world. Whenever an arbitrary power, whether it be a religious hierarchy, a medical hierarchy, or a political despotism, holding its dogmatic tenets and enjoying special privileges, is able to discourage freedom of thought and investigation, progress, enlightenment, and scientific advance are retarded.

(3) It is unnecessary. Our Government, acting through its various departments, has had no difficulty in stamping out yellow fever and cholera. What more could a bureau with unlimited wealth have done in Habana than was done by our Government through the proper channels? The bureau would also entail, as we have seen, an enormous and ever-increasing burden of expense for the taxpayers to meet.

(4) It would be another wide stride in the march of centralization and the establishment of a Russian bureaucratic system in the place of a democracy of the fathers, inimical to the rights of the people, a burden to the taxpayers, and contrary to the growing spirit of opposition to trusts, monopolies, and privileged interests, which is so marked at the present time.

#### STATEMENT OF MR. HARRY E. KING, REPRESENTING OHIO CIVIC LEAGUE.

MR. KING. This bill, in my opinion, gentlemen, raises questions for consideration of the utmost gravity and importance. I want to deal first with the provisions of the bill relating to the transfer of so many of the essential departments, or divisions of departments, that now exist into this proposed new department. I shall not take the time of the committee or those present to read the provisions, but they are, as you all know, very sweeping, and I only want to speak of three of



the principal changes effected, particularly the one with respect to Doctor Wyman's department, the Bureau of Public Health and Marine-Hospital Service; second, the invasion of the Agricultural Department, already adverted to by the gentleman who has just spoken; and the invasion of the vital statistics division of the Census Bureau of the governmental service.

Now, dealing first with Doctor Wyman's department. Not one gentleman who has appeared before this committee to discuss this measure has failed to praise his service, his work and its efficiency. I was very much gratified this morning to be present when Doctor or General Wyman—and he may be well entitled to both titles—was speaking when he said that if his department were more adequately supported he could extend its present good service to a greater degree of efficiency.

Now, I wish to quote, gentlemen, from the speakers who have been here before you in support of this bill, and I believe that this record establishes that they do not make a case which ought to entitle them to have this bill reported favorably by this committee.

I wish first to quote from Dr. William H. Welsh, president of the American Medical Association, of Baltimore. I have selected only a few of the gentlemen who, I think, have presented the strongest arguments made here in behalf of this bill. He says, when asked by this committee, as it persistently has been asked, as the honorable chairman asked at the very outset of the hearing, for specific suggestions as to what Congress may do or can do:

I do not believe anybody can tell to-day what the powers should be.

And then he launches into a general statement that there is a general impression that Congress is limited in its power, but he is of the opinion that it has power other than it is properly supposed to have. Now, that is a singular statement to come here to this committee with to ask the passage of a bill as important as this is, creating a governmental department of the magnitude of this. As members of this committee have said from time to time, the very provisions of the bill are before you. I am not presenting the precise words of the bill, but this is the bill we are dealing with and, when we ask for details, of course we desire to know the details which make up this bill. That is what we are talking about.

Now, he adds:

The general principle is, of course—and you have indicated it here, and that is the correct view—that the actual administration of the public-health laws should be local; first, the town, county, the municipality, and the State.

By that statement he contends that the bill should be passed and that should be adhered to. We have at present a very small number of good state boards of health. They are, I am glad to say, increasing in number. Then he praises, as well he might, the work of General Wyman's department, and states that he thinks there should be over this bureau a commissioner of health or a secretary of health, selected after a survey of the whole country. Now, Senator Smoot then asks:

Do you think it ought to be superseded by some other organization?

Doctor Welch says:

No, sir; retain it by all means. Do not give up anything that we have. That would be a calamity. It has admirable features, but those should be conserved and strengthened and bettered. There is no question about that. There are directions in which the corps system is very well suited, as in quarantine, and in relation to foreign commerce, etc. I would not for a moment suggest any weakening of that department, and, if it is all we are going to get, strengthen and expand it, but if we can get something different and better which would serve as a nucleus or center, if you like, of the federal system—I think that is certainly not an ideal, but it is the thing to aim at—it would be much preferable.

Doctor Welch's answer to another question:

I would not say it could not be so transformed, but I think it would amount to almost a revolution—so transformed that we could not take that and develop it into what the country needs.

Now, I come next to Doctor Porter, state health officer of Florida and president of the conference of the state boards of health. At the very opening of his argument he congratulates the people upon the great work and the generous support given and the efficient service of the Bureau of Public Health and Marine-Hospital Service, recognized, he says, as the health organization of the country, under the Treasury Department. Doctor Porter suggests the enlargement of the duties and functions of the present bureau.

Then the chairman says:

I am not asking to have it taken out, but I was trying to elicit some information from medical men, and took that feature of the bill because it was the first. There are many other things which are, to my mind, of a similar character; but if we are to have another department we must know what to put into it, and what effect putting this service in it will have on the service from which they are taken. I was trying to get some practical information—I am not opposed to it at all; but I would like to obtain information in that regard from the medical men present and who have studied the matter, if they are prepared to give it.

Then Doctor Porter says:

In creating a department of public health, Mr. Chairman, it occurs to me that the general provision for this department should be of an advisory character to the boards of health within their state lines.

So you are going to have an advisory department here in its effect.

I do not understand that the department of public health is going to supersede the special work that state boards of health have already enjoined upon them by their own legislatures.

Senator SMOOT. You would not approve of the United States interfering, if that were the intention?

Doctor PORTER. No, sir; I would not. I do not approve of the Government of the United States interfering with the specific rights of the police sanitary powers of the States.

Senator SMOOT. That is right.

Doctor PORTER. I do not understand that that is the intention.

The CHAIRMAN. It is not, as I understand it. I do not think anybody contemplates anything of that sort.

Gentlemen, the bill is so broad in its provisions, as Governor Bates has shown you, that if this measure is passed it will put the country on record as having legislated in a way which might have that effect, or might bring about that conflict and litigation to determine it. That would be the commencement of the litigation.

Now, the chairman then said:

I am very willing, as far as I am concerned, to put their wishes about the matter on record; but I want to know the reasons and not the wishes of A, B, C, and D. I was in hopes that these gentlemen would be able to give us some information, and not

simply an expression of their desire about it. I want some information on which to act, and I would be very glad now to hear whoever the president of the organization wishes to follow him.

Now, I come to Doctor Wyman's testimony this morning, which I was so fortunate to hear. You will remember that the principal suggestion made as to the importance of the passage of this measure was international sanitation, clearly a matter for the Department of State. He said this morning that the Bureau of Public Health and Marine-Hospital Service would be the principal agency of this proposed department. That is the recognized, essential, active, efficient health agency of the Government to-day. Let us maintain it, of course. We will have no doubt about that. We should strengthen it; but do not hazard that service by experimental legislation.

Now, we come to consider these changes in the Agricultural Department. I suppose that there is no department of the Government with respect to which legislation would be passed that would be the subject of more general criticism throughout the length and breadth of this country than that which by any possibility could interfere with the efficiency of that department. Now, gentlemen who appeared here, inadvertently it may be, thoughtlessly perhaps, undertook to state before this senatorial committee practically that there was no appropriation by the Government for the assistance of the health of mankind. Of course, they were called upon with respect to such an astounding statement, and we have the fact when we come to Doctor Wiley's testimony—clearly one of the most efficient officials who ever served the Government; no one can read his testimony and not be impressed by the fact that he means to bring to the Government his best service in whatever department he is called upon to labor, just as he has done for many years. We have now \$5,000,000 devoted to public health, he says. The fostering of health in our national appropriations is a wholesome fact. Why, we know that; but it has added value stated by an authority of such great rank as the doctor.

The Department of Agriculture is recognized all over the world as the greatest agricultural scientific organization in existence. Shall we destroy it? Shall we hazard its existence, its efficiency, its force and effectiveness by transferring it to a new and untried department with all the hazards incident to such a change? If it exists as such an institution as that, maintain it as we should maintain the other departments and bureaus to which I have referred; and he says:

Congress has been liberal in appropriations.

It should be a department or central laboratory which would do the work of the national board of health. I believe the government laboratory is the most economical idea. That has been carried into effect in other countries—in England, France, and Germany. In England especially they have government laboratories where all the departments have all their chemical work done. That is the most economical way of doing it. If you are going to establish any laboratory, it would be better established in a national board of health than any other one department; but if we are going to leave the present organization of laboratories of a chemical character, for scientific investigation of a chemical character, to different departments, then the Department of Agriculture ought not to be included.

In other words, if the transfer is to be made, as is provided by the proposed bill, Doctor Wiley is on record here as advising against it.

Now, gentlemen, I come to the other departments.

There is before this committee the testimony of Prof. W. L. Willcox, for a long time one of the deans of one of the departments of the



university at Ithaca, a man well known as a student of vital statistics. His testimony is against the transfer of the division or bureau, if you please, of vital statistics from the census to this department. He is perhaps one of the best qualified men who has testified or spoken here before you concerning the matter. He says that in Massachusetts, Rhode Island, and Michigan work related to vital statistics is not connected with the department of public health, and these States are doing quite as important and valuable work in the field of vital statistics as is possible. He says he has—

examined minutely—with care, with the skill of an expert and with a purpose to know the facts—the procedure of every foreign country in this regard, and the vital statistics in no foreign countries are connected with the health department.

And he says a transfer of this kind would not be for the good of the public service and advises this committee against it, and you will find that to be a fact by reading this record. Without that examination, which I doubt not will come in time, this committee might have been led by friends of the measure, a little overzealous for it, to suppose that Professor Willcox was here advising in favor of such a transfer. One can not read his testimony and be in doubt that he is opposed to it.

Now, he says:

The relation of the Division of Vital Statistics to the Division of Population in the Census Bureau is so close and intimate, so inseparable, that it would be a disaster to the work of that bureau to take the Division of Vital Statistics out of it unless you also took out of it the Division of Population and put them both in the proposed department.

Then he says:

The essential reason for the unity of the Census Bureau at each decennial census is found in its common basis, the work of the army of enumerators—about 70,000—

He means by that, I take it, that 70,000 people are engaged in accumulating the present information—

in number during the present census—and it is the organization of that work that constitutes the administrative unity of the Census Bureau. It seems highly undesirable that the work of the enumerators should be divided or supervised partly by one bureau and partly by another.

Now, I had the good fortune to hear Doctor Wilbur, of the Census Bureau, who says that he does not give his approval to transferring the Division of Vital Statistics. That was his statement in your hearing this morning. He exhibited a map here. He said, in connection with the exhibition of that map, "This map shows good work and a tremendous advance within three years. The work is being done about as well as could be expected," is the close of his statement before this committee to-day.

Two other bureaus are adverted to which are the subject of bills now pending and which are proposed to be made departments—the Federal Children's Bureau and the Bureau of Mines. Why are you going to legislate here with respect to the transfer of bureaus or divisions of departments not yet legislated into existence? Surely that can not be the expectation of the honorable author of this bill.

Now, I want to speak, and very briefly indeed, of the testimony of three or four gentlemen who came before you representing the insurance companies—distinguished men as many of these men are; indeed, as I think we might say, most of them are, if not all, others better known than some, perhaps.

They did not fail to say a good word for their insurance companies, but we will not complain of that. They did not fail to tell of the gathering up of statistics and of the many millions of lives which they are based upon, and they told you that on periods of comparison in five-year periods, that the health of the country was improving; that greater information was being furnished to the people and when asked for the cause of this increased health condition, they pointed in every case, I think, to improved state conditions; improved inspection of milk, a state police power, improved sanitation, and the sanitary conditions of tenements, clearly municipal and clearly State in its classification. They spoke of a better water supply in the States. Well, the municipalities attend to that—and they are sources for the betterment of general sanitation and conditions of the country and of a like character.

Now, it is hardly necessary that I should take any time to examine their testimony except to say this that Hon. Robert L. Cox, of New York, general counsel for the Association of Life Insurance Presidents, said very frankly when he was asked as to the powers conferred by this bill and the provisions which it ought to contain or ought not, that he did not feel competent to discuss the question here. He therefore brought you nothing but an array of glittering generalities calculated, perhaps, to reflect credit upon his company, but not calculated to bring very much information in your Senatorial labors.

Now, Doctor Kober presented a classification here of the departments. That may be valuable to you; that may present an outline; but the very outline and classification that he has presented is the precise subject we have under discussion. It was a well-considered paper, it seems to me, if my opinion on that subject is worth anything; but with all that it does not relieve you gentlemen of the consideration of this bill; its merits, its demerits, its sufficiency, its insufficiency, its satisfaction, or its unsatisfaction.

Before I go on very much further with the review of this record I want to call attention to a discussion presented here by Doctor Hutchinson, of New York, formerly health officer of New York, and Doctor Billings, of Chicago, in reference to bubonic plague, which they said infected San Francisco in 1895. It is going a good ways for facts when we go back to 1895 with reference to that plague. Those of you who chance to see the Literary Digest, which comes out on Saturday and which we all read some time during the next week, will be interested to read the article at page 972 of that able journal, recognized as an authority on news gathered throughout our whole country, including some most excellent cartoons every now and then. You will be interested to see that the health authorities of California are to-day armed in brigades and marching out through the State and capturing and literally marking the squirrels, as you might say, and the rats of the State, to eradicate the bubonic plague. And you will see from this article that federal assistance is being given to the state authorities through the biological branch of the Agricultural Department to arrive at the facts as to this plague.

Now, what is the complaint concerning this matter produced by those two distinguished gentlemen? Here they say back in 1895 there was difficulty down there about that plague. Why? Because the then Secretary of the Treasury was influenced, controlled with respect to his official action, by the commercial interests in San

Francisco. An astonishing charge to make here relating to occurrences so long past, and charges which I doubt not those interested would deny.

Senator SMOOT. Mr. King, I want to say now for the members of the committee that Doctor Wyman has prepared a letter addressed to me giving the exact facts as he knows them to be touching this question, and before the hearings are closed I shall see that the committee is informed as to what the Doctor really says did exist.

Mr. KING. I have not quoted Doctor Wyman whatever with respect to that. I have referred only to the statement of Doctor Hutchinson—Dr. Woods Hutchinson—of New York, and Doctor Billings, of Chicago. In anything I have read in the hearings Doctor Wyman has made no statement whatever. His statement here was so dignified and so in the interest of the public service that I can not help but admire it.

Now, the honorable gentlemen of the homeopathic school, who spoke this morning, said if the bill is made perfect he favors it. I do not know that there has been any uniformly perfect legislation in the last ten years. If we could have a perfect bill, it would be a great thing, but it passes the whole question when gentlemen come here to make statements of that kind.

The president of the Carnegie Institute, an estimable man, speaks in glowing terms and uncertain figures of the value of the financial returns as the result of this legislation.

Then I come to Mr. Holder, and I am going to particularly refer to his testimony, because he made statements concerning occurrences in the State of Ohio which I feel warranted, without further statement of the facts, in denying, and in demanding to be proved. I think, too, that the laboring men of our country are slandered when it is claimed that they are worked out at the age of 40. I deny that any man who has properly cared for himself is worked out at the age of 40. I deny that any institution, any manufacturing plant in the State of Ohio, murders its men in any such wholesale manner as was charged by Mr. Holder this morning. There is no State in the Union where this condition exists, and I have some knowledge, some actual knowledge, on those subjects. Ohio is one of the States in the Union that has very complete legislation not only as to its health laws, but as to its factory laws, its workshops, its inspection laws, and its registration of births and deaths. Now he was very indefinite in giving names and places when he made those charges against Ohio. I do not think that the charges made in reference to the hospital in Pennsylvania can be proved.

That distinguished statesman and ardent advocate of a national and centralized government, Alexander Hamilton, would be most surprised to find any body of gentlemen gathered before a Senate committee—a committee designed to preserve the relative power of the States and having for its essential function the power to equalize and distribute their power and their position in the Union—he would be surprised that so large a body of intelligent gentlemen would come before a committee of this kind without specific consideration of the many important matters involved in this bill, and ask the passage of this bill and a report upon its passage without a little more careful consideration of the effects of such action.



I want to read briefly from No. 17 of the *Federalist*, in order to give you the view point of one of the distinguished men who took part in the adoption of the Constitution:

An objection of a nature different from that which has been stated and answered in my last address may, perhaps, be urged against the principle of legislation for the individual citizens of America. It may be said that it would tend to render the Government of the Union too powerful, and to enable it to absorb those residuary authorities which it might be judged proper to leave with the States for local purposes. Allowing the utmost latitude to the love of power, which any reasonable man can require, I confess I am at a loss to discover what temptation the persons intrusted with the administration of the General Government could ever feel to divest the States of the authorities of that description. The regulation of the mere domestic police of a State appears to me to hold out slender allurements to ambition. Commerce, finance, negotiation, and war seem to comprehend all the objects which have charms for minds governed by that passion; and all the powers necessary to those objects ought, in the first instance, to be lodged in the national depository. The administration of private justice between the citizens of the same State; the supervision of agriculture, and of other concerns of a similar nature; all those things, in short, which are proper to be provided for by local legislation can never be desirable cares of a general jurisdiction. It is therefore improbable that there should exist a disposition in the federal councils to usurp the powers with which they are connected; because the attempt to exercise them would be as troublesome as it would be nugatory; and the possession of them, for that reason, would contribute nothing to the dignity, to the importance, or to the splendor of the National Government.

Now, that distinguished author, Hon. James Bryce, writing concerning this Constitution ninety-nine years later, quotes this, after consultation with Hon. Thomas M. Cooley, one of the greatest jurists the country ever had. After conferring with him in person, after carefully considering the Constitution, and studying the institutions of our country and the works on constitutional limitations, he says that one hundred years of experience has taught us that it is best that it should be thus, and that the greatest good has come to our Government because it has left these matters of police power to the individual States.

I want to show you, gentlemen, that Professor Fisher, certainly one of the men best qualified to speak who has spoken before you, does not depart from that principle, and says to you at page 55 and 56 of his testimony, to which I particularly invite your attention, that no matter what might be the result, good or bad, he could not and would not favor a departure from that principle. He adds that there ought not to be an extension of legislative control and states that it would require an amendment to the Constitution.

In conclusion, one thing should be said with marked emphasis: That all the legislative regulations of public health, be they state or federal, have a clearly defined sphere in our dual system of government. To the State belongs the control (or neglect) of its purely domestic affairs, including the management of everything affecting directly or remotely the health and general welfare of its own inhabitants, for there is no duty whatever imposed upon the Federal Government to regulate, under its conception of what may be promotive of the local welfare, the purely internal affairs of the State. What has made our system of government so democratic and responsive is the method of apportioning to the people within minor political areas control of those things necessarily and inherently local to such an area. The test, therefore, is not how ill they may at times manage such domestic affairs, but rather how much better they can manage them when thus brought under the direct control of those who receive all the benefits of good government or suffer all the ill effects of bad government.

Why, it is a brief against the passage of this bill; it is a brief against recommending its passage by one of the ablest men who has spoken.

Every State, therefore, provides as it may see fit the means and methods of internal regulation, and unless on its own initiative it seeks in such a field the cooperation or

assistance of the Federal Government the inhabitants of each State are supreme, however arbitrary, in their sovereign right to manage all matters of public health that do not concern or affect the rights of citizens living beyond its borders. If such boards of health are inefficient, if local regulations are imperfect, resulting in the greatest mortality and sickness, if local streams and lakes are polluted, or other evil conditions provocative of illness or the physical decline of its inhabitants exist, such conditions in no way invite remedial legislation by the National Government.

I invite the committee's attention in passing, without stopping to read it, to pages 29, 47, and 48 of that brief. We have only extracts from it. Taken in connection with this statement of Prof. Irving Fisher, than whom I suppose we have no more or better informed educator in the country, they are very significant, and they suggest to this committee that the gentlemen who are favoring this bill have not brought before you sufficient reasons to satisfy you that you have the power to enter upon the class of legislation which they ask. Twilight zones have been referred to. I refer the committee to the decision in 199 United States—which is very recent, as you all know, there only being about 204 or 205, I think—the opinion of the Supreme Court handed down in what is known to the Lieberman case. (People of the State of New York ex rel. Simon Lieberman, plaintiff in error, v. John E. Van de Carr, 199 U. S., 552.) It arose from the milk laws of the State of New York, sought to be enforced in the city of New York. Nearly all of these cases have necessarily arisen in the enforcement of these police regulations within the States, and I think in the great majority of cases the Supreme Court has said this is a matter of exercising the police power of the State, and all of the cases have come to the decision of the Supreme Court on writs of error from cases appealed from the various courts of the State, but whenever the question has been brought up the courts have said, as Mr. Justice Day said—Mr. Justice Day has written an opinion in which the same language is used—whenever they have turned upon a proposition of a State enforcing a federal law within state jurisdiction, unless it has had in it some element of interstate commerce, invariably the decision has been against the legislation.

Now, gentlemen, I thank you very sincerely for your kind attention, because I esteem this matter to be one of great moment. I am here in no captious sense, and I have discovered what to my mind has been refreshing on the part of this committee—if I may be permitted to say so in behalf of the citizens in Ohio—a disposition to inquire into the limits of your power, to inquire into the effect of such radical changes in existing legislation, and in the changes of such important departments as would be affected in recommending the passage of any such bill as this.

I thank the committee sincerely for its kindness.

#### STATEMENT OF MR. ROBERT M'CARTER, REPRESENTING NATIONAL OSTEOPATHIC ASSOCIATION.

The CHAIRMAN. If Mr. Robert McCarter, of Newark, N. J., is present, we will hear him. He is next on the list. Ten minutes have been allotted to Mr. McCarter.

Mr. M'CARTER. Mr. Chairman, the hour is so late, the night is so warm, the committee has been so patient, and the arguments that have been had have been so thorough, that I do not think I will take even the ten minutes you have been so kind to allot to me, except to

say a word in passing in behalf of the Osteopathic Association of America, which I have the privilege of representing here to-night. This is a body with a constituency of about 6,000 men and women in the practice of their profession.

We are not opposed to any competent federal legislation that will protect the morality and health of our fellow American citizens.

The 6,000 practitioners I represent are not categorically opposed to competent federal legislation that will practically ameliorate the health of our countrymen. The osteopaths are engaged in the great healing art, the curing and prevention of disease, and, instead of opposing, they are allied with all movements having a scientific and practical end in view. They feel, however, that certain matters should be brought to the attention of the committee in connection with the proposed bill, merely in the line of suggestion.

This involves, primarily, a consideration of what this movement really is.

Sixteen years ago this movement for the creation of a department of public health was commenced. It was looked at askance and was spoken of with bated breath. There are now about 6,000 osteopathic practitioners in the United States in good and regular standing. They are officially recognized by 40 of the States and they are working side by side—in the main harmoniously—with the regular physicians in their individual capacity. Organized medical societies, however, always have been opposed to them, and in every State where they are recognized it has been in spite of the opposition of the medical societies. The official attitude of these societies has been one of intolerance, which, by force of circumstances, has been mollified to what may be called a certain condescension. It is claimed that the osteopathic branch of the healing art is not learned. The fact is that they have now 9 schools of instruction whose curricula and apprenticeship are as comprehensive and as long in duration as our great medical schools. I may safely say further that the educational requirements and the general technique of these schools are as high as that of the medical fraternity, and they have to-day in these osteopathic schools, engaged in the enthusiastic, thorough preparation for the practice of their profession, more students than either our homeopathic or eclectic friends.

Now, turning to this proposed bill. I may say in passing that, in what I have read and heard, I have failed to find much that is tangible and practical in favor of its adoption. Many of the arguments that are advanced embody propositions which have been borrowed from the strongly centralized governments of Germany and France, and are not only opposed to our own system of government, but, to a student of American constitutional law, are almost shocking. So long as we have a federal system buoyed up by the principle of local self-government, much of what has been suggested here as a result of the creation of a department of health must properly belong to the State and the municipalities therein located. It has become fashionable in these days to imagine that the Government at Washington may and should undertake the control and management of every branch of our activities. The obvious danger of such a proposition need not be mentioned to an intelligent committee like this.

Now, I personally fail to understand why it is that in matters of hygiene in which the present government machine is deficient,



increased and broadened powers can not be conferred on the present bureaus. Much that is proposed to be done by the department is admittedly now well done, and there has been evolved, as it seems to me, a system which, with certain extensions and increased appropriations, is all that is required and all that can be legitimately undertaken by the Federal Government under the Constitution.

As I understand it, this evolution has been natural, intelligent, and entirely free from politics. Would not the creation of a department, with the concentration in it of the absolute control and sole jurisdiction of all the branches of governmental hygiene work, which this bill provides for, simply tend to build up a machine with all the evils attendant thereon with which happily, up to this time, our governmental hygiene work has been entirely disassociated. The element of patronage alone would be appalling to contemplate. We venture to suggest that the advantages of the creation of such a department hardly counterbalance the evils. At any rate, the osteopaths feel that they would be recreant to their duty and to themselves if they did not at least remind the committee that this bill is admittedly the child of the American Medical Association, which has, they tell us, had it under consideration for nineteen years. That association is in the great majority of those practicing the healing art. It claims to represent 80,000 practitioners. Its agents and officers are actively engaged before this committee in pushing this bill. If successful, that body would naturally predominate in the department. The American Osteopathic Association therefore, feels, from its experience in the past in the different States where it has and is meeting with continued and open opposition, that even if your committee should feel like favoring a bill of this general design, you should see to it that the Federal Government is not made an unconscious agent to fetter, if not to destroy, this valuable branch of the healing art.

We do not come here to antagonize nor to call names. We have no apologies to offer for our existence, and are content to rest on our well-earned laurels. We do not understand the policy that inspires this unceasing official opposition to us. In New Jersey, the legislature at its last session, at the behest of the state society, passed a bill which, appearing on its face to recognize the osteopaths, really absorbed and squelched them, and because the governor of that State saw fit to veto the bill the several county medical societies have passed resolutions condemning the governor. Great power, and oftentimes arrogance, accompany great numbers. Do not, Mr. Chairman, let this bill be a further step in the same direction. Safeguard every interest, and, if you determine to report such a bill, do not overlook the young, virile, and lusty branch of the healing art which I have the honor here to represent.

Senator SMOOT. In what capacity do you represent the osteopathic association?

Mr. McCARTER. As counsel.

#### **STATEMENT OF MR. HENRY R. STRONG, PROPRIETOR NATIONAL DRUGGIST AND MEDICAL BRIEF.**

The CHAIRMAN. Mr. Henry R. Strong. Ten minutes have been allotted to you, Mr. Strong.

Mr. STRONG. Mr. Chairman and gentlemen of the committee, with all due respect to those who have appeared before this committee, I

desire to say that I am in sympathy with neither the homeopaths, the eclectics, the osteopaths, the Christian scientists, nor any nor either of the so-called sects, if I may so call them, that I suppose are behind this league. My sympathies, as are my interests, are with and bound up with the so-called school of regular physicians, but I believe that if this bill is passed it will accomplish a state establishment of medicine in this country, and I believe such was the purpose of those with whom this movement originated some six or eight years ago.

I refer, Mr. Chairman, to a clique of political doctors who have captured the control of the organization of the American Medical Association, who are falsely pretending to represent the regular physicians of this country. The fact of the matter is that the American Medical Association itself does not have 80,000 members, as the gentlemen who have addressed you stated it had. It has only 30,000 or 40,000, although by coercive methods the membership is rapidly growing. Therefore, as I say, the clique in control of the association does not fairly represent the association, nor does the association represent the profession as a whole.

Gentlemen have referred to all clauses of this bill except one, and that is section 8, which reads as follows:

SEC. 8. That it shall gather data concerning such matters, impose, and enforce quarantine regulations; establish chemical, biological, and other standards necessary to the efficient administration of said department, and give due publicity to the same.

Now, Mr. Chairman, I do not believe it is the province of this Government to establish standards of chemicals or biological standards or any other. By the way, I do not understand what is meant by "biological standards" in that connection. The definition in Webster's dictionary is as follows:

Biology (-ji). n. (bio+logy: cf. F. *biologie*.) The science of life; the branch of knowledge which treats of organisms. In its broadest sense it includes zoology, botany, physiology, anatomy, cytology, embryology (see these terms), and allied sciences, but in common usage it implies the study of the principles of widest application to the origin, development, structure, functions, and distribution of plants and animals and the more generally occurring phenomena accompanying their life, growth, and reproduction. (cf. science) Among the important and now accepted principles of biology are the cell theory, the doctrine of evolution, belief in the accompaniment of all vital processes by chemical change or metabolism, the old theories of spontaneous generation and of the separate creation of species having been abandoned. See cell evolution, abiogenesis, metabolism.

Mr. Chairman, the old theories of spontaneous generation and of the separate creation of species have been abandoned. I do not understand what they mean when they undertake to establish biological standards, and I do not believe that the Government of the United States should be allowed to establish chemical or other standards whatever that "other" may be. I do not think it is the province of the Government to go into commercial affairs of that kind; to give that power to any department of government and then to dictate to every commercial laboratory in the United States and pharmaceutical laboratory exactly how their product shall be made; and I do not think that the Government has anything to do with matters of that kind.

Senator SMOOT. I want to say this: That we passed through that in the pure-food law.

Mr. STRONG. Not as to standards, Senator.

Senator SMOOT. That question was thrashed out for weeks and weeks.

Mr. STRONG. But they did not recognize——

Senator SMOOT. I do not say it is in the law, but we passed through that once before.

Mr. STRONG. I beg your pardon, sir. All I wish to say is that this department of health bill was originated in the American Medical Association clique some six or seven years ago, and it was their purpose and design to get control of the agencies of health and sanitation in this country, and it is so expressed openly in their journals, and if my time were not so limited I could easily show you from their own records that such is their purpose.

Senator SMOOT. I would suggest that you need not take the time of the committee, nor your own, and if you want to put that in the record you may submit it and we will look it over.

Mr. STRONG. Yes, sir. Such, however, is their purpose, Mr. Chairman, and it is declared in the Journal of the American Medical Association and in the several state journals, which are but the mouth-pieces of the main organ in Chicago. In the course of my duty as an editor I have had to investigate their record considerably and have written considerable about it, and I know, as well as I know anything, that it is their purpose to get into their control all the agencies of health and to dictate and control medical practice and everything related thereto.

#### STATEMENT OF MR. O. H. HOSS, REPRESENTING THE MISSOURI VOTERS AND TAXPAYERS' LEAGUE.

The CHAIRMAN. Mr. O. H. Hoss, of Missouri. Ten minutes have been allotted to you, Mr. Hoss.

Mr. Hoss. I represent the Missouri Voters and Taxpayers' Association, which is protesting against the passage of this bill or any similar legislation. I will not take the time of the committee by reading the preamble or platform of our association, as it were, but will ask leave to file it with the committee. I also desire to file a list of its officers, its advisory board, and its executive committee.

In this connection I desire to say that it has come to me since I have been here that it is claimed the opposition to this bill is misrepresented. A careful perusal of the list of officers of the Missouri Voters and Taxpayers' Association and of its executive committee will convince anybody that the men connected with it are not mislead and that they know what they are doing all the time. I will leave a copy of the list with you if you care to look into the bona fides of it. Among them, I might say, is Mr. D. J. Dean, owner and proprietor of the Baltimore Hotel, in Kansas City; Mr. A. E. Stillwell, president Kansas City, Mexico and Orient Railway Company; Mr. Walter Davis, all of whom Senator Warner, I am sure, will absolutely vouch for.

I am glad section 8 of this bill has been called to the attention of the committee, because I have not been able to find out exactly the scope and purpose of that section 8 and what could be done or what would be done under it in view of the fact that there are two views to take of the scope and the purpose and the far-reaching effect within the limitation of this bill.



Now, if a Cabinet officer was secretary of public health, to only have to do with conditions of health in the District of Columbia and investigate the conditions in that limited area, we are opposed to it because it is a useless expenditure of the public money and it is creating a dignity without sufficient foundation for it. On the other hand, if, as has been intimated by one of the former officers of the American Medical Association, that they have consulted counsel and are rather of the opinion that the Federal Government can go further in the matter of public health in the States than has been generally supposed—if that be true, then we view it with apprehension and the organization that I represent does not want it.

I was very forcibly impressed this morning by a gentleman—I do not remember his name—who said that the reason the bill was wanted was because it would add dignity and force, and it seems to me it is a pretty big price to pay for dignity without a sufficient foundation for it. I hardly know what he means by it unless it is to enforce the peculiar views of the men who might occupy the position. Now, in order to satisfy all people as the head of that department, he could not be a regular, homeopath, osteopath, or eclectic. Of all those various schools he could not belong to any one, and if he were a doctor he would have to either belong to one or the other and to favor the organization to which he belongs. He would not be true to his profession if he did not. If he were true to his profession, he would carry out his views and establish the standards of that particular school. This country is too great and it is too big, and its people have too much at stake, to sacrifice the liberty of the individual citizen in regard to what sort of treatment he shall have at home and in his own household, just the same as what sort of religion he shall have in his home and in his household.

Now, I will not trespass further on your time. I have other things to say, but they have been said better than I can do so. I want to say that on this registering of names we ask leave to file them with the committee as they come in, that you may have no question as to the bona fides, and I am sure that Senators Stone and Warner can inform you as to the character of those men, who know most of them.

I want to call attention to the fact that in that statement there is a list of about 30 doctors, nearly all alopaths.

This occurred to me this morning while this homeopathic doctor was talking, and I do not think that he gave much in favor of the bill. When Governor Stevens was governor of our State the homeopaths had an opportunity to do something. He was a homeopath himself, and the homeopaths asked that one of the state hospitals for the insane be placed under their charge in order that they might demonstrate their methods of treating cases in the state hospital. The governor turned over the Government Hospital for the Insane at Fulton, and they had it in their control for four long years, and the record shows that there was a greater percentage of cures during that four years than for any other period in the history of the institution before or since.

Governor Stevens was succeeded by my friend, Dr. Alexander M. Dockery, and of course the homeopaths had to walk the plank. That is the only opportunity in our State that they ever had to make a record.

Gentlemen of the committee, I thank you for your courtesy. I am sure I have not trespassed beyond the time allowed to me, and I want to leave this document with you.

The CHAIRMAN. You may leave it, but I really do not think we care to encumber the record with a lot of names. However, the committee will determine that fact. I myself have received a thousand telegrams. I can not see how the publication of all those names can do any particular good.

(The paper mentioned in the foregoing statement, directed to be made a part of the record by the chairman, is as follows:)

#### THE MISSOURI VOTERS AND TAXPAYERS' ASSOCIATION.

We, the undersigned taxpayers and voters of the State of Missouri, hereby organize ourselves together into an association, the objects and purposes of which are herein-after set out.

The name of this association shall be the Missouri Voters and Taxpayers' Association.

Anyone who is a voter and taxpayer of the State of Missouri shall be eligible to membership.

The duties of the members of this association shall be at all times to work to prevent the passage of needless legislation by our national, state, and municipal bodies.

All expenses of this association shall be paid solely out of voluntary contributions.

The officers of this association shall consist of a president, vice-president, secretary-treasurer, and an advisory board. All officers shall be chosen by the association and shall serve for one year.

The duties of the president are to call all meetings of the association, to preside thereat, and to order the disbursement of moneys of the association; duties of the vice-president are to act in the absence of the president; duties of the secretary-treasurer to record all proceedings of the association, to collect and receive all contributions, and to pay out same on the order of the president.

#### STATEMENT OF MR. JOHN M. READ, REPRESENTING VOTERS AND TAXPAYERS' LEAGUE OF IOWA.

The CHAIRMAN. The next name on the list is Mr. John M. Read, to whom ten minutes has been allotted.

Mr. READ. Mr. Chairman and gentlemen of the committee, I am here to speak for the Taxpayers and Voters' Association of Iowa.

These people are not opposed to any and all measures to promote and safeguard the public health. They are opposed to this bill. They are opposed to it for many reasons. I shall not attempt to state them all. The first and primary reason is that there does not exist conditions which demand the creation of a Cabinet department such as is proposed. The members of this committee have repeatedly asked: What is it that you want the Federal Government to do that it is not doing or that it can do? What do you want this Government to do that it is not doing that it can do? I do not think that question has been satisfactorily answered.

These two propositions seem to me to have been established here: First, those who have attempted to answer those questions and those who have not attempted but have spoken, have made prominent this, that the things that the Federal Government can do are being done now, reasonably, satisfactorily; then they have made it to appear that their powers may be so extended that the Federal Government can do the things they say they want done. The other things that they suggest they want done are things which clearly come within the state powers. It also appears here that the only suggestions that have been offered by those who favor the bill, and

one of the things that most of them have alluded to, is the collection of vital statistics. I believe that if any man will look up the federal statutes and in my judgment from what is being done, I am sure there exists to-day sufficient law to make the gathering of vital statistics as perfect as any government can make it.

The other thing which I think they referred to is by the creation of a Cabinet department dignity and force would be given to the mandates of the department. It seems to me that it does not require the force of a Cabinet department to enforce the recognition of a truth in nature. But I conceive that it would require that to enforce the recognition of a moral theory or opinion with respect to the benefits of many of the medicinal remedies that are recommended and relied upon. It requires no Cabinet officer to enforce the recognition of the truth of the law of gravitation, and it will not to enforce the truths of the laws of health; and I submit, Mr. Chairman, that the experience of civilization has shown that when you arrive at a fixed idea or a fixed principle, you have retarded progress beyond that principle. The medical profession retarded independent thought for three hundred years. The medical profession resorted to bleeding for about everything, and for fourteen hundred years the inhabitants of the world had to square up with some fellow who had laid down a standard some three hundred years before.

I think I am within the bounds of truth when I say Horace Fletcher, in opposition to the standards established, has given to the people of this country one of the most valuable laws and truths of health—save all of them—that has been given, and he went square against the recognized dietetic standards.

Another reason my people oppose this, Mr. Chairman, generally, is that it is evident here that this bill did not originate among the people nor did it come from any movement in the great body of the people. Where it originated I do not undertake to say, but it did not originate there. They feel that the people ought to have an opportunity and that the lawmaking body ought to Fletcherize on this proposed bill a little.

In closing, Mr. Chairman, allow me to suggest that it will probably be easier to imagine than to describe what would happen if this bill should be passed and at the head of this Cabinet position should be placed a Christian Scientist. I thank you.

#### **STATEMENT OF FREDERICK A. BANGS, REPRESENTING VOTERS AND TAXPAYERS' ASSOCIATION.**

The CHAIRMAN. The next name on the list given me is Mr. Frederick A. Bangs, to whom ten minutes has been allotted.

Mr. BANGS. Mr. Chairman and gentlemen of the committee, I do not wonder that you have been flooded with telegrams, because there is a popular uprising throughout the entire United States against this proposition and against this bill.

The CHAIRMAN. At this point, I would like to get a little information, and for that purpose I will ask you a question if you will address yourself to it. As far as I have been able to ascertain, with one or two exceptions all of those who oppose this bill are people who are not in sympathy with the old school of medicine, and I have an idea



that the other schools of medicine who are opposing this bill are influenced by the idea that there is something in it for the aggrandizement of the old school and inimical to the other schools of medicine, and that the bill will interfere with the freedom of medical practice. I would like to know whether I am right about that?

I would also like to know what it is based on, for I will say that I do not believe there is a man in Congress who would be a party to a thing of that sort, and if there is anything in this bill that would have that effect I would like to know where it is. I am not expressing any opinion in favor of this bill or against it. I am trying to consider it on its merits and determine what is best. But I am perfectly willing to say that if there is a thing in it in favor of one school of medicine and inimical to another school of medicine——

Mr. BANGS. I think that is true.

The CHAIRMAN. If there is anything in the bill that has such a meaning, I would like to know where it is so that it may be corrected.

Mr. BANGS. Well, I am not authorized to speak for anyone except the people whom I represent. There are about 3,100 people of the city of Chicago who have, since they learned of this bill last Saturday, organized themselves into an organization known as the Voters' and Taxpayers' Association of Chicago, Ill., for the very purpose of opposing this legislation.

The CHAIRMAN. I am not trying to get at your idea. Is it inimical to certain schools of medicine?

Mr. BANGS. In just a moment, Senator, I will give it to you, or one of the other people can speak on that line. I will say this: It is believed by me, and those persons whom I represent, that there is behind this bill, and through this bill, a desire to perpetuate and make forever apparent to the people of the United States a special school of medicine.

The CHAIRMAN. I want you to show me where that is. You say you have that idea. I want to find that in the bill. Where is there anything of that sort in the bill?

Mr. BANGS. It is taken from the experience of these particular persons, of these people whom I represent, who believe that that is what is behind this bill.

The CHAIRMAN. The bill speaks for itself. I do not know who prepared the bill, and I do not care. The question is: Where is this in the bill? Not how it got there. If there is anything in the bill that accomplishes this interference or that makes this interference possible, we want to correct it.

Mr. BANGS. It comes from the particular statements contained in the bill itself, Mr. Chairman. It generalizes. It does not specially say. It does not limit the power of anyone under this bill. Where is there any limit to any of the terms or conditions of this bill? Take, for instance, the powers which are there conferred. It says that "all bureaus and bureaus belonging to any department shall be consolidated and belong to one department."

The CHAIRMAN. How does that discriminate in favor of one school of medicine against another? That is what I am trying to get at. How does it do that?

Mr. BANGS. What school of medicine is now in control? What school of medicine is now throughout the United States promulgating its ideas to the citizens? What school of medicine is now insisting

in the various communities that vaccination be made compulsory? Is it the homeopaths? Is it the eclectics? Is it any other school than what is known as the old and regular school? The people of the State of Illinois have been fighting this concern for some years. They had to fight a similar bill in the legislature. Is there any reason why they should not suspect that behind this bill lodges an attempt of this sort? It may be under the terms and conditions of this particular bill, they might be limited by the Constitution of the United States so that no harm could come from this particular bill, but they do in the city of Chicago force upon the children attending the public schools compulsory vaccination, although the supreme court of the State has held that it can not be done.

The CHAIRMAN. That is a matter for the local authorities.

Mr. BANGS. That is why they are afraid of these bills; that is why they are afraid of the action of the people behind it. Do you wonder that they feel that behind this bill lies the power of the United States, if it is passed, to compel them to take any kind of medicine the regular doctors may insist that they shall take?

The CHAIRMAN. I am amazed that any intelligent man would intimate for a moment that there is anything in this bill that would compel anybody to take any medicine at all.

Mr. BANGS. Well, I have given my reasons and I feel that what I have said is quite possible.

Senator SMOOT. Before you leave that, I would like to ask one question. On what basis could the National Association of Retail Druggists oppose this bill? On account of some special kinds of medicine, do you think?

Mr. BANGS. Senator, I would be unable to answer that because I do not know anything about it.

Senator SMOOT. It was right in line with the question asked by the chairman. I have a telegram from Chicago—you are from Chicago—it says this:

Association representing 30,000 retail druggists strongly oppose Owen bill and all similar measures. Signed E. S. Locke, Secretary National Association Retail Druggists.

I wondered if that association was interested in any kind or school of medicine that would lead it to oppose this measure on the grounds stated by the chairman.

Mr. BANGS. As to that I can not say; but I wish to state further in reference to the statement of the chairman that I have read the bill that was presented in the House of Representatives. The chairman may not be familiar with that bill, but that bill does make compulsory the taking of virus as an antidote for disease.

The CHAIRMAN. The taking of what?

Mr. BANGS. The taking of virus as an antidote for disease, and I want to state that medicine and virus in some cases are identical. Therefore I do base my statement upon the bills that are now pending in Congress and upon what is contained in them that medicine would be forced upon the people under the terms of this or of these bills. In referring to these bills it seems to me that the persons or the associations who are behind this particular legislation have brought forth to public view what they intend or what they desire by this legislation. Now, in that particular bill it is provided, amongst other

things, that the people under certain circumstances shall be inoculated with the virus for the ostensible purpose of preventing disease, but we maintain it is to establish a medical school, to establish a law department, to organize and maintain associations of medical men, representatives of the various state boards of health, of the various municipal boards of health, to cause all persons who are engaged in interstate or foreign commerce to obey the dictates of that bill, or the persons who are authorized to act under the bill, to regulate and control the laws of the various States and municipalities in reference to health, to supervise and coordinate with the various heads of these various boards of the different municipalities and communities. And for that reason we can see that it would require a great expenditure to support and maintain this board of health, this national board of health, if this bill passes and becomes a law. The health department of the city of Chicago alone in 1908 expended over \$600,000 in reference to that institution. The State of Illinois is well represented, well taken care of in reference to its health laws, both by the city of Chicago board of health and by the state board of health.

What would be the expense incident to this national board of health? Can anyone estimate that? Can it be determined? The taxes are increased, and why should we have taxes against expenses of this nature which we believe are needless, creating an additional burden upon the taxpayers of the States?

I feel, gentlemen, that we are justified in coming here and protesting against the passage of this bill from the experience which we have had and from the institutions of the Government. I thank you.

May I just for a moment have read into the record an exhibit which is in answer to your question?

The CHAIRMAN. What is the nature of the exhibit? What is it you desire to be inserted in the record?

Mr. BANGS. It is the Exhibit A, published by the National Bureau for the Freedom of Health.

The CHAIRMAN. Who is the author of it?

Mr. BANGS. Mr. Flower.

The CHAIRMAN. All right; just give it to the stenographer.

(The paper is as follows:)

#### EXHIBIT A.

WHAT ONE OF THE SO-CALLED COMMITTEE OF ONE HUNDRED HAD TO SAY OF THE DOCTORS WHOSE PLAN HE IS NOW SUPPORTING.

Mr. Edward Bok, editor of the Ladies' Home Journal and a member of the so-called "Committee of One Hundred of the American Association for the Advancement of Science on National Health," says (Journal of the American Medical Association, issue of March 21, 1908, copyrighted):

"Now, one important fact must not be lost sight of in the attitude of the lay public to the physician. The time was when the layman approached the 'medicine man' with awe; with an obeisance that acknowledged in him a superiority as a man possessed of some mysterious, occult power of healing. But that day is over; that time has gone by. Your layman of to-day is more intelligent; he is doing more of his own thinking; no one man possesses any magic power in his mind any more. The position of the physician in his relation to the layman has not only changed, but is changing, and will change even more in the future. He is no longer, in the layman's eyes, the court of last resort on human health. \* \* \* I ask every intelligent physician this question: Suppose the present tendency to investigation should turn itself on the medical profession and its methods, what kind of revelations would come to the public?



"What would the public think of the scores and hundreds of instances of densely ignorant, unintelligent, and criminally careless prescription writing of which the physicians of to-day have been guilty? \* \* \* And when the public comes to a full realization that it has not received a square deal from the one profession of all professions from which it has a right to expect fair treatment, it will be a time when the man who has not dealt squarely with it wants to get from under. \* \* \*"

### STATEMENT OF W. R. McCaul, REPRESENTING THE VOTERS AND TAXPAYERS' ASSOCIATION OF WISCONSIN.

The CHAIRMAN. Mr. W. R. McCaul will now be heard.

Mr. McCaul. Mr. Chairman and gentlemen of the committee, I, like the gentlemen who preceded me, represent the voters and taxpayers' association. I represent in particular the Voters and Taxpayers' Association of Wisconsin. This association is composed of many taxpayers who do not feel that there is any justification for the imposition upon them of a tax to further the ends of the American Medical Association. They feel in so far as the general public is concerned that this bill is both needless and expensive. We believe this bill to be needless because there are no benefits that can be secured by this bill; that all the beneficial results that have been presented here must be obtained by state and municipal legislation. I think that that point has been brought out clearly in the examination of the various parties who have appeared before this committee. This morning it was brought out strikingly. The gentlemen advanced arguments that were strong, but upon examination it was found that nothing could be obtained from this bill without legislation by the various States and municipalities.

Now, if it is true that the important advantages that have been advanced as arguments in favor of this bill can not be secured by it, it simply leaves the sole object of the bill to combine several governmental departments. Now, gentlemen, I do not believe that all the activity that has been manifested in favor of this bill; all the work that has been done by the American Medical Association and its membership and the committee of one hundred, has been done solely for the object of combining several governmental departments. That is the reason that we believe there is more behind this bill than appears upon its face, and we think that while this bill may be innocent, that it is the opening wedge through which the American Medical Association will pass into complete control of all things pertaining to the health and hygiene of the people and to the spending of millions of dollars of public money, as has been brought out in the cross-examination of Professor Fisher.

Now, believing that the real object of this bill is, as I have set forth, the organization that I represent is strongly opposed to its passage.

The CHAIRMAN. Mr. McCaul, Senator Owen would like to ask you a question.

Senator OWEN. When was your association organized?

Mr. McCaul. I will state, gentlemen, that this association was organized primarily to fight this bill and to fight the taxation it involves.

Senator OWEN. When was this association organized?

Mr. McCaul. It was organized last week.

Senator OWEN. How many of these associations have been organized, do you know?

Mr. McCaul. I think that can be answered by other gentlemen present. I think ten.

Senator OWEN. In 10 different States?

Mr. McCaul. In 10 different States; yes, sir.

Senator OWEN. Who caused them to be organized?

Mr. McCaul. I can not answer that question.

Senator OWEN. Do you know?

Mr. McCaul. I do not; no, sir. I will state that I was employed by the secretary.

Senator OWEN. Who employed you?

Mr. McCaul. Mr. Lamont Rollins, of Wisconsin.

#### STATEMENT OF MR. LUCIUS H. COLLINS, REPRESENTING THE NATIONAL LEAGUE FOR MEDICAL FREEDOM.

Mr. COLLINS. Mr. Chairman and gentlemen of the committee, as a citizen of the Republic and as a representative of a considerable number of taxpayers, I desire to record objection to the bill under discussion ever being incorporated in the federal statutes.

In the first place, it appears to me, it is a violation of that provision of the "predicate of American representative government," the Declaration of Independence, viz, life, liberty, and the pursuit of happiness. As I understand liberty, it is personal conduct that is not offensive to moral law or an encroachment upon the natural rights of another.

Secondly, it violates the spirit of another constitutional provision, namely, that guaranteeing absolute religious freedom.

Now, if the Congress has no right to legislate relative to religion (and it must not if it obeys the Federal Constitution) and determine what denomination may prescribe the doctors who may take charge of the spiritual life (which is certainly the higher life), how can it, then, any more lawfully designate the school of medicine that shall have guardianship of the physical life? While there is no provision in the Constitution reading in so many words that Congress may not regulate the practice of medicine, I am positive its courageous authors would have incorporated one had they anticipated that there were to be so many different schools of medicine with such divergent theories relative to its administration.

It seems to me that religion and medicine are so closely connected that it would be exceedingly difficult to differentiate them by legislation. So close is the relation that legislation relative to medicine would be equally as unconstitutional as it would be relative to religion.

Therefore I trust that this committee will report to the honorable body of which it is a constituent part that it has had the bill under most extended consideration and it is the committee's unanimous request that the bill do not pass, and that the committee may be discharged from further consideration thereof.

Governor Bates and Mr. King, who preceded me, have so efficiently, completely, and conclusively covered the constitutional limitations and features of the proposed measure that it were presumptuous and unjust to the committee for me to further trespass upon its time and good nature.

**STATEMENT OF CLIFFORD GRIEVE, REPRESENTING THE NATIONAL ASSOCIATION OF SUGGESTIVE THERAPEUTICS AND THE WELTMER INSTITUTE OF SUGGESTIVE THERAPEUTICS.**

Senator SMOOT. Is Mr. Clifford Grieve present?

Mr. GRIEVE. Yes, sir; and I am a registered pharmacist.

Senator SMOOT. I want to know if you can enlighten us as to why the Retail Druggists' Association is opposed to this bill?

Mr. GRIEVE. Mr. Chairman and gentlemen of the committee, I have not practiced pharmacy for some years, but I was raised almost in the business. I can not, however, speak for the National Association of Retail Druggists, because I have no connection with that organization whatever. I did not come here to represent them.

From my knowledge of the drug business I would assume that their objection to the bill is based upon these grounds: The drug business has been hampered in the last few years with laws and regulations and expenses and fees for registration that are far beyond the possibilities of profit in that business. It was formerly considered to be a business that produced great profit, and it did; but it has changed materially within the last few years, and that, I think, will explain on of the reasons why they would be opposed to this bill.

There may be other and specific reasons for opposing it, but there have really sprung up so many regulations and registrations with regard to their business that there is not sufficient profit in it any longer, and is what I would assume would be their reason for objecting to it. Another thing with regard to the drug store druggist is this: The amount of business of the druggist has been diminishing of recent years. It was formerly the case that the physician in practicing his profession was required to prescribe, and he did prescribe until the tablet was introduced. Thus a great deal of medicine was bought at the drug stores, and that is what the druggist got out of the practice of medicine. In return for that it was natural that the druggist sent as many people as he could to the doctor; but it is now the practice to administer the medicine, most of which I will say is wrong, to my mind, and there ought to be health regulations forbidding the handling of poison in the way it is now handled. I believe it should go through the hands of two men. Under the present condition all of that business has been withdrawn from the druggist, and consequently he no longer has the entente cordiale that he once had with the physician. Now, having answered that question, I would like to speak just for a few moments for the people whom I do represent and whom I came to Washington for the purpose of representing at this particular hearing.

The CHAIRMAN. We will be very glad to hear you.

I represent the National Association of Suggestive Therapeutics and the Weltmer Institute of Suggestive Therapeutics, a corporation under the laws of the State of Missouri and located in the city of Nevada, State of Missouri.

Mr. Chairman and gentlemen of the committee, in *School of Magnetic Healing v. McAnnulty* (187 U. S., p. 94), the United States Supreme Court denies the right of the Postmaster-General to decide the correctness or error of matters of opinion, and further states, as a matter of fact and law, that the efficiency of all



methods for the cure of disease, or of any method used to cure disease, are purely matters of opinion. This right having been denied to the Postmaster-General, who is a Cabinet officer, it is also denied to any other Cabinet officer under the same conditions.

In *Post v. the United States* (vol. 67, p. 577, C. C. A. Repts.) the court holds likewise, and also that mental healing is lawful so far as the Federal Government is concerned.

The most important duty of a Cabinet officer is to administer a specifically defined section of the executive department of this Government. Should the office of secretary of health be instituted, the then incumbent would find this impossible. Under the decisions of our courts of law above stated he would have no power to direct the practice of medicine. He might direct the collection of vital statistics, but this is now being successfully done by the Bureau of the Census. He could not direct the sanitation and prevention of disease as an officer of the United States Government, for under the Constitution such powers are not given to the Federal Government, and therefore remain reserved to the several States, with the exception of the District of Columbia.

The establishment of such a Cabinet official would break down the precedent regarding the executive duty of all Cabinet officers, and the electrical engineers (devotees of an exact science) could then well demand a secretary of electrical engineering, and the chemists a secretary of chemistry, and the artists a secretary of art, and the watch-makers a secretary of chronometry, which would turn the Cabinet of the President ultimately into something like a royal academy of arts and sciences.

Allowing even that the Government should establish such bureau, what place would experts in such arts and sciences have in the council of peace and war that has so long surrounded and given aid to the Chief Executive of this nation.

On the other hand, to acknowledge openly that one mind is superior to another mind in passing judgment upon the correctness of matters of opinion is to establish within this great Republic a mental oligarchy at once. If the right of the individual to think, if the right of the individual to hold dominion over the treatment of his own body is denied, there is nothing left of liberty; life is changed into mere existence and the pursuit of happiness becomes a vacuous term.

It is historically true that the great discoveries in the field of medical science have often been made by men who are not members of the medical profession. All those who have ever put forth great efforts for the advancement of therapeutics have called down upon their heads the execration, denouncement, and opposition of the members of the medical profession engaged in the practice in the particular era in which such efforts were undertaken. This is true to-day with regard to many methods of divine healing and suggestive therapeutics; and speaking for those who practice only suggestive therapeutics, let me say that we have fought a long and hard battle against preconceived and erroneous opinions before the public and before the various bars of justice in this country to establish these new truths, and, as progress is the will of nature, and the purposes of God are written down in the halls of Congress for the guidance of men, we pray that any bill which seeks to officially recognize or

standardize the practice of medicine shall state that no official created by such an act has the right to interfere with the practice of suggestive therapeutics as now recognized and defined by various decisions of the United States courts, so that our work may not be interfered with, that our well-established good purposes may not be vilified nor vitiated, nor our labors for the good of the community during the many years just passed be undone.

I want to read just part of the decision in *Post v. The United States* (vol. 67, pp. 577, 579, C. C. A. Reports). The court held:

Science has not yet drawn, and probably never will draw, a continuous and permanent line between possible and impossible, the knowable and unknowable. Such line may be drawn in one decade, but it is removed in the next, and encroaches on what was the domain of the impossible and unknowable. Advance in the use of electricity, and experiments in telepathy, hypnotism, and clairvoyance, warn us against dogmatism. The experience of the judiciary, as shown by history, should teach tolerance and humility, when we recall that the bench once accounted for familiar physical and mental conditions by witchcraft and that, too, at the expense of the lives of innocent men and women.

And also on page 577:

The case should be tried with the distinct understanding that the practice of mental healing is, federal law, as lawful as healing with drugs.

In *School of Magnetic Healing v. McAnnulty* (187 U. S., p. 94), Mr. Justice Peckham, delivering the opinion of the court, said in part:

There can be no doubt that the influence of the mind upon the physical condition of the body is very powerful, and that a hopeful mental state goes far in many cases not only to alleviate, but even to aid, very largely in the cure of an illness from which the body may suffer.

In closing let me add this: Is it not just as fair that the United States Government in considering this legislation should protect those who have fought for a new system, even though it might be doubtful as to its efficacy? Are we not entitled to a reasonable protection from abuse and villification, if such a thing were possible?

#### STATEMENT OF HYLAND C. KIRK.

Mr. Chairman and members of the committee, conceding that a department of health devoted to improving and conserving the well-being of the whole people is an ideal thing to be attained by any and all governments, and conceding the advantage of having a Cabinet official at the head of such a department constantly in touch with the Chief Executive, this is not an argument for the immediate establishment of such a department, but rather for the institution of certain activities which such a department would ultimately shelter and control.

Buildings have been built for the housing of industries which never developed, warehouses erected for sheltering products which were never produced, and before the establishment of such a department designed to maintain and perfect the health of the people it would seem to be of first importance to establish activities for determining and securing the conditions of health rather than a mere nominal shelter for such activities.

True, it is proposed to take certain bureaus from existing departments, and thus lay a foundation for the new one; this robbing of Peter to pay Paul suggests little more than a change of name, and mere names without substance are too common already. Besides,

it is a question whether taking a bureau, such as chemistry, devoted to the interests of agriculture, from that department would not be a positive disadvantage. The Department of Agriculture evidently requires bureaus of chemistry and biology fitted for its specific needs, just as the army and navy require several medical bureaus for their special work. If a new department is to be created by selecting bureaus from those already in existence, it would seem to be a safer proposition to create a department of chemistry where all questions relating thereto could be referred and decided rather than one department of health, which should aim to include all factors relating to medicine and hygiene.

It has been urged as a grave objection to the immediate change proposed, that the movement is supported most strenuously by medical men, and there is some cogency in the objection. While no one can gainsay the importance of physicians or their high character as a class, it is not to the advantage of the physician to have or keep people well; their interests would rather demand a department for the dissemination of disease with a secretary for the promotion of physical ills in the cabinet. This joke would have a serious aspect if a department of health took on the function of a tribunal for the perpetuation of any school of medicine, or the decision of medical questions and theories on arbitrary lines; and is suggested by the fact that many of the arguments favoring this measure have contemplated merely the inhibition of disease rather than the development of man.

My contention is that a chief feature of such a department, and one which could and ought to be instituted at once, should be a bureau of human biology for the better comprehension of man, not only in abnormal and pathologic states, but in his best as well as weakest estate; for it is a lamentable fact that disease is engendered more from ignorance of ourselves than from the inimical attacks of microbes or poisons in any form. I imagine some one saying: "Why, man is understood well enough. All that is needed is to keep him free from disease."

On the contrary, no man understands himself either physically or mentally; and if he did, we can not believe that disease would approach him in any form. The fact is that ignorance, though asserted to be prolific in other ways, is the mother of disease, and it would seem to be more important that man should be enlightened in the matter of controlling and upbuilding himself, than that all the hostile micro-organisms in the universe should be destroyed.

The urgency for establishing a national department to eliminate the germs of disease is lessened by the fact that establishments for the purpose exist in many of the States and in many educational institutions, and we can not suppose a secretary of health in the full panoply of his office to possess any more power to destroy such germs than any other person with equal knowledge of the subject. Besides, if all the hostile microbes were suddenly destroyed it would not insure health to man; on the contrary, it might tend to prevent his further advance, since every step in his rise from the primitive cell, if not the primitive atom, has been a victory over hostile forces, without which he could not have risen at all. Man started as a germ himself, and the most obstinate of the bunch, or he would not have risen so far.



If every microbe were destroyed it would not prevent the inebriate from taking his dope, the glutton from straining his system by over-feeding—it would not lessen the indiscretions of the sensualist or furnish gray matter to the deficient brain, and though a department of health might institute measures forbidding people throughout our wide domains from spitting on the street even in a rain storm, it could not improve the permanent health of a single human being except by enlisting his cooperation through the presentation of a clearer knowledge of his mechanism and the results he might attain by its improvement.

The most incisive fact in this whole question is that we do not understand our organisms or what we might accomplish if we did understand them; and since this fundamental consideration is constantly ignored by almost every one—if noticed at all—and since the energies of the wiser and more ambitious are usually devoted to making money or achieving fame in some established profession, as law, religion, or medicine, and as nothing remains stationary but everything in nature goes backward if not forward, the chances are perhaps greater for our physical decline as a people than for our advancement.

Accordingly, the thing needed now is the establishment of a bureau, or, if not a bureau, at least a chair (or desk) affording room for the study and explication of human biology—the better comprehension of man. While the world is reeking in medical literature, it may be confidently affirmed that not even the anatomy or structure of the human body is completely mastered, and the chemical and functional conquest of the organism is far from being complete. All organic growth is a mystery involving many questions; the location and nature of life itself is in various ways fully as mysterious; and the motive power or immediate force in or about the organism initiating its movements is disputed by the few who make any pretensions to understanding it. It is not many years since the physical unit, the cell, out of which the human body and all other organisms are constructed, was first recognized; and though of very slight importance as compared with the whole, it is a long way from being understood. Yet upon the adequacy of this minute element depends the accuracy of our sight, hearing, and sensation generally. The cell is not a deity—it has built nothing, caused nothing; but out of it Nature has built and is building many wonderful structures. Evolved from the almost infinitely smaller unit, the atom, out of the cell Nature has manufactured the stinging nettle of the medusa, the poison gland of the cobra, the missile of the blow-fish, the electric battery of the gymnotus, the plumage of the peacock, and the vocal cords of the nightingale. Mr. Darwin advanced the highly probable hypothesis that natural selection has been an important factor in this result. But natural selection is a negative agent. It does not develop the stinging nettle of the medusa, the poison of the asp, nor the antlers of the stag, by which these creatures defend themselves; it merely permits the destruction of other similar creatures devoid of these means of defense. Natural selection performs a very small part in the affairs of civilized man at this stage. Its influence is limited largely to the effects of wars and contagions; and even in the case of the latter, fevers and other ills may be more due to insanitary conditions of dwellings and artificial modes of living than to nature.

We need to know exactly what these active forces are. Shall we believe with Weismann that "all permanent—i. e., hereditary—variations of the body proceed from modifications of the primary contents of the germ," or return to Lamarck's principle of variation, that modifications of species as well as of individuals are due to the "use and disuse of parts," or take up with the Neo-Lamarckian theory of inherited nurture as the cause or variations?

We need to know more thoroughly than at present all the factors for change and improvement in the cells of the adult individual. Biological chemists tell us that in cell division of the germ, division cells contain much nucleinic acid; the contents of the nucleus are increased before division; chromatic foods stimulate cell division; lecithin forms a large percentage of the food of developing eggs and germinating plants in which cell division is rapid. Very well; but we want to know more definitely than at present just how muscle cells, nerve cells, and the other varieties in the human organism are affected by different plasmas of the blood to produce the best results. We need to know also the exact relations between somatic and reproductive cells; the relations between foreign unit spores and cells and cells of the human body; and incidentally to settle such other questions as how far Golgi's neuron theory of nerve action is to be believed; the correctness of Galeotti's findings as to unequal division of the nuclear matter in cells due to the action of drugs; the verities in the doctrines of Boveri and Loeb as to artificial fertilization; the conditions of increased power in the organism as dependent upon the cells and their interrelations; the limits of cell power to reproduce; and the complete character of cell and tissue vibration.

Incidentally such investigations will cover the whole germ theory of disease, it is true, but not with the assumption uppermost that man has reached the limits of his development and that it is only necessary to destroy the germs of disease in order to preserve his health. It will probably be found that we now possess the relation of the swimming larva to the winged insect which rises from its humble exuvia into the purer atmosphere above, since we neither know the true conditions of life nor how to live.

Take, for instance, the relation of thought, man's highest and most important factor, to his body, or determine, as formerly phrased, the seat of the soul. Alcmaëon, the father of physiology, who lived some 550 B. C., called the brain the seat of the thinking faculty or soul; but Plato, more than one hundred years later, said there were three souls, one in the head, one in the chest, and one below the diaphragm; while Aristotle, rightly known as the founder of comparative anatomy, regarded the heart as the seat of the soul, and the brain as a sort of sponge whose chief function was to moisten the heart. Now, in line with the fact that our knowledge as to form is entirely comparative, it was not till the electric telegraph was invented was there anything with which to definitely compare nerve force, and not till the electric light was invented was this idea, "the seat of the soul," comparable to anything. In the light of the neuron theory, when a man is awake or conscious the current is on, and a species of illumination occurs which we call consciousness; and when through fatigue or other cause the neurons separate, the current is off and the

man goes to sleep. While no one can afford to be dogmatic on questions of this character, this seems to be a true explanation, so far as it goes; and in view of the vast aggregate of theories on the subject which seem to prevent the world's advance, a more careful examination is needed to determine its truth.

The fact, as pointed out by Weidersheim, that in man may be found more than a dozen decaying organs (he names 17) which still perform a partial function and more than a hundred which perform no function whatever, would indicate the transitional state in which we now find ourselves; and it depends entirely upon our own actions whether we progress or retrograde.

For these and other reasons, which there is no time to enumerate, it is believed that the institution of a chair of biology, under the jurisdiction of General Wyman or some other competent official, is the most practical and necessary measure immediately demanded, looking toward the establishment of a department of health.

I once corresponded with Mr. Roosevelt on this subject, and he referred a letter of mine to the Smithsonian Institution and to the Interior Department; and it was finally returned with the indorsement that there was no department of the Government or appropriation under which such a chair or even a desk could be established; though that Mr. Roosevelt was personally favorable to the proposition I inferred from the tone of his communication and the fact of his making the inquiries.

I thank you for your courtesy and attention.

The CHAIRMAN. The committee has heard all whose names have been handed to the chairman. We are very much obliged to all the gentlemen who have attended and have given us their views on this matter. The committee now stands adjourned.

(Thereupon, at 10 o'clock and 45 minutes p. m., the committee adjourned.)

















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